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MADRAS LEGISLATIVE ASSEMBLY DEBATES

OFFICIAL REPORT

Wednesday, the 10th May 1939

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THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, 10th May, 1939.

The House met in the Assembly Building, Chepauk, at three of the clock, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

1.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Measures to combat the anti-Indian feeling in Ceylon.

* 1274 Q.—SRI L. SATTANATHA KARAYALAR: Will the Hon. the Prime Minister be pleased to state—

(a) what steps the Government have taken to combat the anti-Indian feeling in Ceylon; and

(b) what this Government have done so far to secure “Village franchise” votes to the Indians in Ceylon?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) & (b)

If in clause (a) of the question the hon. Member is referring to contemplated replacement of Indian employees under the Government of Ceylon, these are matters for the Government of India to take action upon. The Government of Madras are, however, in touch with the Government of India and are doing all they can to have legitimate pressure put on the Ceylon Government to do justice.”

Hardships of the candidates allotted to certain departments like Veterinary, Fisheries, etc.

* 1275 Q.—DR. MUHAMMAD ABDUS SALAM: Will the Hon. the Prime Minister be pleased to state—

(a) whether Government have issued orders that candidates allotted to a particular department after 1st January 1939 should be considered as having been permanently allotted to that department;

(b) whether it is a fact that in some departments, e.g., Veterinary, Fisheries, etc., there are only a few clerks; and

(c) if the answer to clause (b) is in the affirmative, whether it is a fact that candidates allotted to those departments suffer a great deal for want of vacancies?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) The

answer is in the affirmative. The system of permanent allotment referred to applies to candidates selected for appointment to the Madras Ministerial Service in the mufassal.

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“(b) & (c) The system of permanent allotment has not been applied to those departments for which it is considered unsuitable owing to the smallness of the offices, the temporary nature of the posts and similar reasons.”

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—“ May I know, Sir, whether permanent allotment is made of candidates who were selected by the Service Commission before 1939 also ? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ I won’t be able to answer it at once, but all orders take effect only from the date of the order ordinarily.”

Collection of Rusums from the ryots of the Chundi Estate.

* 1276 Q.—SRI B. PERUMALLA NAYUDU: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that Rusums, over and above the regular kist, are being collected from the ryots of the Chundi Estate, which has recently come under the management of the Court of Wards; and

(b) what steps the Government propose to take to put an end to such levy?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—“(a) The answer is in the affirmative. The Court of Wards is merely continuing a practice which has long been in vogue.

“(b) The propriety of levying these ‘ Rusums ’ will come up for consideration in connexion with a number of rent suits which are pending in the Court of the Revenue Divisional Officer, Kandukur. The Government propose to await the decision of the Court.”

SRI S. NAGAPPA:—“ May I know, Sir, whether the Government are aware that excess revenue collections are made by village munsifs and karnams, especially when remissions are granted? ”

MR. SPEAKER:—“ It is far too general a question. It may be put independently as a principal question and not as a supplementary question.”

SRI B. PERUMALLA NAYUDU:—“ As I to understand

MR. SPEAKER:—“ That is not the proper way of asking supplementary questions.”

SRI B. PERUMALLA NAYUDU:—“ Since he has given the answer in a certain form, I want to know . . . ”

MR. SPEAKER:—“ The hon. Member may frame a separate question.”

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SRI B. PERUMALLA NAYUDU :—“ Since the suits will take an inordinately long time, is it desirable to collect ‘ Rusums’ till the suits are disposed of? ”

SRI T. VISWANATHAM :—“ Independently of the decisions of courts, the Government have no objection to examine the propriety of levying these ‘ Rusums,’ if that is the suggestion of the hon. Member ”

Reduction of the water-rate fixed for the lands irrigated by the Thippayapalayam reservoir.

* 1277 Q.—SRI GOPAVARAM VENKATA REDDI: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the lands under the newly constructed Thippayapalayam reservoir, Markapur taluk, Kurnool district, have been irrigated;

(b) if so, since what date and what crops have been raised on these lands;

(c) whether it is a fact that a high water-rate has been fixed;

(d) whether any representations have been made to reduce the water-rate; and

(e) if so, what steps the Government propose to take in the matter?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam :—“(a) & (b) Yes. From about the end of October 1938. The crop raised is reported to be mostly ragi.

“(c) The water-cess prescribed for a first irrigated crop is Rs. 12 per acre.

“(d) Yes.

“(e) The matter is under consideration.”

SRI S. NAGAPPA :—“ If water is insufficient for the second crop, may I know whether water-rate is charged or not and how many crops can be irrigated in a year from the reservoir? ”

SRI T. VISWANATHAM :—“ Ordinarily in the project areas of our country, water is sufficient for two crops, but it is not so in the Ceded districts and it is a well-known fact.”

SRI S. NAGAPPA :—“ If water is not sufficient for the second crop, is it a fact that for that crop the water-tax is not exempted? ”

SRI T. VISWANATHAM :—“ This is in respect of the particular project which supplies water for the second crop and if there is failure, of course, necessary remission will be granted.”

AN HON. MEMBER :—“ May I know, Sir, whether water-rate is collected for garden crops? ”

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MR. SPEAKER:—"That is not a supplementary question; an independent question may be put."

AN HON. MEMBER:—"My point is that water-rate is rather high even for ragi."

MR. SPEAKER:—"It does not elucidate the answer."

Particulars regarding the minor irrigation tanks repaired in Rajahmundry taluk in 1937-38.

* 1278 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the amount spent on minor irrigation tanks in 1937-38 in Rajahmundry taluk, East Godavari; and

(b) the number of tanks repaired during the year?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—" (a) Rs. 35,030.

" (b) 76.

The above information relates to the tanks in the charge of the Revenue Department. A report has been called for as regards tanks in the charge of the Public Works Department."

Complaints of corruption made by certain village officers at the District Village Officers' Conference held at Tiruturaipundi.

* 1279 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether written statements made by certain village officers before the President of the District Village Officers' Conference held recently at Tiruturaipundi, Tanjore district, alleging corruption have been received by the Government;

(b) what action the Government have taken with regard to these statements; and

(c) whether the local authorities deputed by the Government to enquire into the complaints are the same against whom the village officers have complained?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—" (a) The answer is in the affirmative.

" (b) They have been sent to the Collector of Tanjore for enquiry.

" (c) The answer is in the negative. The Collector of Tanjore has been instructed to enquire into this matter himself."

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Reasons for not bringing the graduate upper division clerks, recruited originally as Probationary Revenue Inspectors, under the new scheme for recruitment of Probationary Revenue Inspectors.

* 1280 Q.—SRI K. VARADACHARI: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that in the Revenue Ministerial Service there is in existence a set of upper division clerks—all graduates—who were recruited as Probationary Revenue Inspectors since the year 1930;

(b) whether it is a fact that the claims of these men have not been kept in view in the new scheme for recruitment of Probationary Revenue Inspectors sanctioned in 1937; and

(c) if the answer to clause (b) is in the affirmative, what the reasons are?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—“(a) There are upper division clerks in the District Revenue establishments who are graduates and who were recruited as ‘Probationary Revenue Inspectors’ under the old system which prevailed from 1911 to 1931.

“(b) The scheme for recruitment framed in 1937 applied only to the persons recruited under that scheme and made no provision for persons recruited under an earlier scheme.

“(c) The persons recruited under the earlier scheme were not provided for in the 1937 scheme because they were governed by the provisions of the scheme under which they were recruited.”

SRI K. VARADACHARI:—“May I ask, Sir, whether the qualifications of the Probationary Revenue Inspectors recruited under the new scheme are superior to those of persons recruited since 1930?”

SRI T. VISWANATHAM:—“There is no such thing as superiority of qualifications. The new scheme has been introduced to suit the requirements of the service.”

SRI K. VARADACHARI:—“May I know, Sir, why the claims of the others were excluded from the new scheme?”

SRI T. VISWANATHAM:—“I said, Sir, that the old employees were governed by the old scheme and therefore there was no provision in the new scheme in respect of them.”

Remission of land revenue on dry lands in certain taluks of the Chingleput district.

* 1281 Q.—SRI D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government have considered the desirability of remitting the land-tax on manavari and dry lands in

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the Tiruvelllore and Ponneri taluks of the Chingleput district where the agricultural conditions have proved to be distressing owing to the failure of the north-east monsoon; and

(b) if so, what action is proposed to be taken in the said matter?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—“(a) & (b) Proposals regarding the grant of remission of the assessment on dry lands in the Ponneri taluk have been received and are under examination. Similar proposals regarding the Tiruvelllore taluk are being examined by the Collector and the Board of Revenue. They have not yet reached the Government.”

Reasons for the last revision of the scale of pay sanctioned for Port Officers.

* 1282 Q.—SRI T. S. CHOKKALINGAM PILLAI: Will the Hon. the Minister for Public Works be pleased to state when the last revision of the scale of pay sanctioned for Port Officers was made and what the reasons were for that revision?

THE HON. MR. YAKUB HASAN:—“The last revision of pay of Port Officers was made with effect from 1st January 1938.

“The revision was made in pursuance of the general revision of pay of all officers under the rule-making power of this Government in accordance with the announcement made by the Hon. Prime Minister in his speech introducing the Budget for 1937-38.”

Schemes under the consideration of Government for the improvement of minor ports.

* 1283 Q.—SRI T. S. CHOKKALINGAM PILLAI: Will the Hon. the Minister for Public Works be pleased to state whether the schemes for the improvements of the minor ports, under the consideration of Government, consist of construction of new buildings or of any other improvements to the ports?

THE HON. MR. YAKUB HASAN:—“The schemes recommended by the Presidency Port Officer and under consideration of the Government relate mainly to improvements to ports. There is no proposal for the construction of any new building in connexion with any port. Proposals for the purchase of a sea-going dredger for all the ports and for the construction of a wireless station at Masulipatam are also under the consideration of Government.”

MR. W. K. M. LANGLEY:—“Arising out of the answer given, may I ask the Hon. Minister for Public Works whether, while last he was in Calicut, certain proposals were made to him in connexion with new buildings in the port of Calicut?”

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THE HON. MR. YAKUB HASAN:—"I do not remember any proposal having been made for any new building at Calicut."

MR. W. K. M. Langley:—"I naturally accept the statement; but was there not some proposal for putting up stacking grounds and sheds for cargo on the south pier?"

THE HON. MR. YAKUB HASAN:—"There was no question of new sheds. But there was a proposal to remove a particular road, but nothing about sheds."

MR. W. K. M. Langley:—"Will the Hon. Minister for Public Works let us know whether he is prepared to support the proposal in connexion with the road and the general amenities at Calicut port?"

THE HON. MR. YAKUB HASAN:—"I will give it my best consideration when the proposals come before me."

SRI D. V. RAMASWAMI:—"May I ask, Sir, whether any definite proposals have not been submitted to Government for improving the depth of the port of Masulipatam and also for the resuscitation of the old pier at Masulipatam?"

MR. SPEAKER:—"I think an independent question may be put?"

THE HON. MR. YAKUB HASAN:—"The improvements to this port also are one of the items under the consideration of the Government."

Scheme for the construction of a reservoir at Pundi near Tiruvallur, Chingleput district.

* 1284 Q.—SRI D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether he inspected the site of the proposed construction of a reservoir at Pundi near Tiruvallur in the district of Chingleput across the Kusasthali river;

(b) whether the Government have received a report from the Chief Engineer as to the feasibility of the scheme;

(c) whether the Government have addressed the Corporation to share a portion of the cost of construction as the scheme is likely to relieve the City of Madras from water scarcity;

(d) whether the Government have finished consideration of the scheme; if so, when the work will be put in hand; and

(e) whether water will be allowed for irrigational purposes to certain intermediary villages in Tiruvallur taluk?

THE HON. MR. YAKUB HASAN:—" (a) The answer is in the affirmative.

" (b) to (e) A report has been received and is under the consideration of Government in consultation with the Corporation of Madras."

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Earth tremors at Mettur Reservoir.

* 1285 Q.—SRI S. C. VENKATAPPA CHETTIYAR: Will the Hon. the Minister for Public Works be pleased to state—

- (a) the level of water in Mettur Reservoir at present;
- (b) the maximum level reached during 1938-39;
- (c) whether it is true that Mettur experienced earth tremors of considerable duration during the current calendar year;
- (d) if so, how often this occurred and in what months;
- (e) whether the Government have investigated the cause of the phenomenon and if so, with what result; and
- (f) whether the Government apprehend any danger to the bund by reason of such tremors?

THE HON. MR. YAKUB HASAN:—“(a) The level was 718.60 on 24th April 1939.

“(b) The maximum level of 789.95 was reached on 26th August 1938.

“(c) & (d) There were two tremors in 1939 at Mettur; one on 8th January 1939 for about 15 seconds, and another on 17th January 1939 for about 20 seconds.

“(e) & (f) An investigation was made in 1936 and a report from the Superintendent, Geological Survey of India, was obtained. In the concluding paragraph of the report, which was published, the Superintendent stated, ‘it is indeed possible that there will be minor earthquake damage at Mettur from time to time, but the engineers responsible for this great dam need not suffer from insomnia on account of the possibility of its destruction by an earthquake.’”

BASHEER AHMED SAYEED SAHIB BAHADUR:—“May I ask, Sir, how the present level compares with the level last year at this time?”

THE HON. MR. YAKUB HASAN:—“Notice, Sir.”

Scheme for excavating an irrigation channel from the Mulliar.

* 1286 Q.—SRI A. VEDARATNAM PILLAI: With reference to starred question No. 31 answered on 16th August 1938 regarding the proposal for excavating an irrigation channel from the Mulliar, will the Hon. the Minister for Public Works be pleased to state—

- (a) whether the report called for from the Chief Engineer (Irrigation) has been received; and
- (b) what further steps the Government propose to take to expedite the scheme?

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THE HON. MR. YAKUB HASAN:—" (a) & (b) The Chief Engineer's report has not yet been received. He has been reminded to expedite it."

Employment of the inmates of Borstal schools on manufactures.

* 1287 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state—

(a) the reasons for employing only 45 and 36 per cent of the inmates of the Borstal Schools at Tanjore and Palamcottah, respectively, in 1937 on manufactures; and

(b) what the net income under this head is in each of these schools?

THE HON. DR. P. SUBBARAYAN:—" (a) It is not possible to employ all the boys in manufacturing work. Besides boys engaged in learning masonry, agriculture and band music, many boys have to act as cooks, trotties, sweepers, office, store-room and hospital orderlies, and do other such necessary work as arises in the institution itself. Such boys, in cases where the work that they do does not amount to vocational training in itself, are also given training in agriculture or horticulture during part of the day. Further, at any given time, a small number of boys are off-duty, being sick or convalescent, and a larger number, being new arrivals, are in quarantine.

" (b) The net income is as follows:—

| | RS. A. P. |
|-----------------------------|-----------------------|
| Borstal School, Tanjore | 3,397 8 0 |
| Borstal School, Palamcottah | 3,496 3 0 |

The figures exclude the cost of maintenance of the inmates and other cost chargeable to manufactures."

BASHEER AHMED SAYEED SAHIB BAHADUR:—" Am I to understand the Hon. Minister to say that every boy will be found work suitable to his capacity?"

THE HON. DR. P. SUBBARAYAN:—" The Hon. Member is correct in his presumption."

Chintaladevi farm and the buildings therein.

* 1288 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state—

- (a) the extent of the Chintaladevi farm;
- (b) the cost of the buildings which are still there; and
- (c) what is proposed to be done with this extent?

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THE HON. DR. P. SUBBARAYAN:—“(a) The extent of the farm is 761.68 acres.
 “ (b) The value of the buildings is Rs. 1,88,902.
 “ (c) The farm is being used as a Criminal Tribes Settlement.”

Compulsory education for prisoners above 30 years of age.

1289 Q.—SRI MUTHU KR. AR. KR. ARUNACHALAM CHETTIYAR: Will the Hon. the Minister for Law be pleased to state—

(a) whether it is a fact that education in the jails is compulsory only for prisoners under 30 years of age, but optional to others;

(b) if so, the reason for this difference; and

(c) whether the Government will consider the desirability of making education compulsory for prisoners above 30 years of age?

THE HON. DR. P. SUBBARAYAN:—“(a) The answer is in the affirmative.

“(b) It was considered that no useful purpose will be served by attempting to impart literary education to prisoners above the age of 30 who do not wish to learn, and that it is better that the teaching staff should concentrate their attention on younger, or willing pupils.

“(c) The question will be considered.”

SRI S. NAGAPPA:—“ May I ask, Sir, whether education in jail includes moral instruction; if so, by whom; and if not, why not? ” (Laughter).

THE HON. DR. P. SUBBARAYAN:—“ I am afraid I do not follow the conundrum that has been set by the hon. Member. I am afraid . . . ”

MR. SPEAKER:—“ It cannot be answered in the same speed.”

THE HON. DR. P. SUBBARAYAN:—“ The conundrum set by the hon. Member is such that I am not capable of answering.”

BASHEER AHMED SAYEED SAHIB BAHADUR:—“ May I ask, Sir, whether it is correct to say that the Hon. Minister does not believe in adult education and in reforming thereby the prisoners in jails? ”

THE HON. DR. P. SUBBARAYAN:—“ The hon. Gentleman is wrong in his presumption.”

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Denotification of the Criminal Tribes.

* 1290 Q.—SRI L. SATTANATHA KARAYALAR: Will the Hon. the Minister for Law be pleased to state—

(a) which community was notified first, under the Criminal Tribes Act;

(b) what the communities are that have since been notified; and

(c) whether the Government propose to denotify the criminal tribes?

THE HON. DR. P. SUBBARAYAN:—“(a) The communities first notified under the Criminal Tribes Act were Donga Dasaris, Donga Yerakalas and Voyalpad or Nawabpetta Korachas.

“(b) A list ^a of the communities that have since been notified is laid on the table of the House.

“(c) The general question is at present under consideration.”

SRI S. Nagappa rose in his seat.

MR. SPEAKER:—“In answer to clause (c) the Government have stated that the general question is under the consideration of the Government. I do not see what further necessity there is for a supplementary question.”

SRI S. NAGAPPA:—“Are the Government justified in classifying the whole community as a criminal tribe when there are only some criminals in that community?”

THE HON. DR. P. SUBBARAYAN:—“The matter that the hon. Gentleman has raised is at present under the consideration of the Government.”

Reasons for the abolition of the Madras Traffic Advisory Committee.

* 1291 Q.—SRI P. MADHAVAN: Will the Hon. the Minister for Law be pleased to state—

(a) whether it is a fact that the Government have abolished the Madras Traffic Advisory Committee; and

(b) if so, why?

THE HON. DR. P. SUBBARAYAN:—“(a) The advisory Committee constituted in 1931 to which draft amendments to Motor Vehicles Rules and questions relating thereto in the Madras City were referred for opinion has been abolished.

“(b) The Road Traffic Board for the Madras City constituted under the Madras Motor Vehicles Rules, 1938, can now readily deal with all matters previously referred to the Advisory Committee.

^a Printed as Appendix I on pages 683–684 infra.

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Matters relating to the inmates of the Stuartpuram Settlement, Guntur district.

* 1292 Q.—SRI K. VENKATAPPAYYA: Will the Hon. the Minister for Law be pleased to state—

- (a) the amount of grant made to the Stuartpuram Settlement, Guntur district;
- (b) the purpose for which the grant is made;
- (c) how the people in the settlement are engaged;
- (d) whether any and if so what arrangements are made for the education of the adults;
- (e) to what religious community or communities the members of the settlement belong;
- (f) how many of them were non-Christians before they were taken into the settlement and how many have since been converted to Christianity; and
- (g) whether there is a rule insisted upon by the Management that even non-Christian members of the settlement and non-Christian teachers should attend the daily Christian prayers and also the prayers on Sundays?

THE HON. DR. P. SUBBARAYAN:—“(a) A lump sum annual grant of Rs. 7,330 is given to the Salvation Army for managing the Stuartpuram Settlement. Besides this the Government meet the entire expenditure on other items not covered by the grant. The total net expenditure during 1938 was Rs. 18,323-8-7.

- “(b) The grant is intended to cover expenditure on supervision charges.
- “(c) About half the number of families in the settlement are engaged in agriculture. A large number of settlers are also employed by the Indian Leaf Tobacco Development Company at Chirala.
- “(d) to (g) The Government have no information, but have called for it.”

Distribution of the work of auditing the accounts of the institutions under the Hindu Religious Endowments Act among the recognized auditors.

* 1293 Q.—MIR AKRAM ALI SAHIB BAHADUR: Will the Hon. the Minister for Public Health be pleased to state—

- (a) whether the audit of the accounts of the institutions under the Hindu Religious Endowments Act is being fairly distributed among the Registered Accountants appointed under the said Act or whether they are being monopolized by a select few; and
- (b) whether it is a fact that auditors having their offices at Madras are being preferred to mufassal auditors in respect of mufassal audits?

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THE HON. DR. T. S. S. RAJAN:—" (a) & (b) Till now auditors have been appointed on the recommendation of the Hindu Religious Endowments Board for auditing the temples, from among approved auditors irrespective of the districts to which they belong. On a representation from certain auditors, the Government have under examination the question of fair distribution of work among the auditors in the approved list consistent with efficiency."

Insufficient number of beds in the Government Civil Hospital, Tellicherry.

* 1294 Q.—SRI C. K. GOVINDAN NAYAR: Will the Hon. the Minister for Public Health be pleased to state—

- (a) what the sanctioned number of beds in the Tellicherry Government Civil Hospital is;
- (b) how many in-patients there are in the hospital at present;
- (c) whether it is a fact that several patients had to be refused admission since the commencement of 1939; if the answer is in the affirmative, the exact number of refusals;
- (d) whether it is a fact that a patient who was refused admission on the 5th April 1939 died on the veranda of the Out-patient department on the same day; and
- (e) whether it is a fact that the death was reported to the Police?

THE HON. DR. T. S. S. RAJAN:—" (a) The sanctioned number of beds is eighty.

" (b) Daily average of in-patients for 1939—

| 1939. | | | | | | |
|----------|-----|-----|----|----|----|--------|
| January | ... | ... | . | .. | .. | 129.93 |
| February | .. | ... | .. | .. | .. | 128.07 |
| March | ... | .. | .. | .. | .. | 110.19 |
| April | ... | .. | .. | .. | .. | 128.20 |

" (c) No case deserving admission was refused.

" (d) & (e) A patient was found alone lying in the out-patient back veranda on 5th April 1939 night at 9-30 in a moribund condition. He was admitted in the hospital as in-patient and he died the same night at 12. He was suffering from cough. He was in an extremely emaciated condition with signs of longstanding pulmonary tuberculosis. As his whereabouts were unknown the matter was reported to the Police."

SRI S. NAGAPPA:—" Are the Government aware, Sir, that the poor are given less care than the rich in the hospitals whereas in fact the hospitals are intended for the poor? "

THE HON. DR. T. S. S. RAJAN:—" I do not think the hon Member is correct so far as the first part of the question is concerned."

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DR. MUHAMMAD ABDUS SALAM:—“ May I know, Sir, whether any post-mortem was held on the patient who expired? ”

THE HON. DR. T. S. S. RAJAN:—“ The information will be called for.”

Discontinuance of night duty by nurses in the Government Hospital, Tellicherry.

* 1295 Q.—SRI C. K. GOVINDAN NAYAR: Will the Hon. the Minister for Public Health be pleased to state whether it is a fact that night duty by nurses has been discontinued in the Tellicherry Government Hospital; if so, since when and why?

THE HON. DR. T. S. S. RAJAN:—“ The practice of posting staff nurses for night duty in the Government Hospital, Tellicherry, has not been discontinued altogether. A change in the system of posting nurses for night duty was introduced, as a temporary measure, from the 19th February 1939 to 6th April 1939, as there was an increase of work in the surgical side of the hospital. At the time when this arrangement was made there were not sufficient nurses. The practice of detailing nurses exclusively for night duty has since been resumed when the additional posts of staff nurses sanctioned in G O No. 3946, P.H., dated 2nd November 1938, were filled up.”

Death of an in-patient in the Government Hospital, Tellicherry, in March 1939.

* 1296 Q.—SRI C. K. GOVINDAN NAYAR: Will the Hon. the Minister for Public Health be pleased to state whether it is a fact that one Sri Govindan Nayar, who was admitted in the Surgical Ward in the Tellicherry Government Hospital during the first week of March 1939, got an attack of bed-sores within a week of the admission and that he died from complications arising out of it?

THE HON. DR. T. S. S. RAJAN:—“ Information has been called for.”

Pipes for the work of laying the pumping mains between Mettur Reservoir and Nanganalli.

* 1297 Q.—SRI S. C. VENKATAPPA CHETTIYAR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the work of laying the pumping mains between Mettur Reservoir and Nanganalli has commenced and if so, how far the work has progressed;

(b) what the number of pipes ordered for this purpose is and how many have so far reached the work spot;

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(c) whether any of them have been rejected as unserviceable and if so, how many and by whom;

(d) whether the pipes were tested by the manufacturers before they were despatched to Salem; and

(e) whether any officer of the Madras Government supervised the testing operations?

THE HON. DR. T. S. S. RAJAN:—"The information has been called for."

Idols excavated during the construction of the railway line from Vedaranyam to Point Calimere.

* 1298 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government have received any application from the temple trustee and the worshippers of Kulagarkoil temple to return the idols excavated in front of the temple during the construction of the railway line from Vedaranyam to Point Calimere and to place them in the temple for worship; and

(b) if so, what action the Government have taken thereon?

THE HON. DR. T. S. S. RAJAN:—" (a) A petition without date was received in October 1938.

"(b) It was forwarded to the Hindu Religious Endowments Board for disposal."

Recommendations of the Conference for the Better Utilization of Forest areas for grazing.

* 1299 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) what the recommendations of the Conference for the Better Utilization of Forest areas for grazing are;

(b) whether any of these recommendations were accepted by the Forest department and this Government; and

(c) if so, what these are?

THE HON. SRI V. I. MUNISWAMI PILLAI:—"The information required is given in the paper ^a placed on the table separately."

Private practice of Government Veterinary Officers in the Race Course.

* 1300 Q.—SRI D. GOVINDA DOSS: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether Veterinary Officers in Government Service are allowed to hold remunerative jobs in the Race Course; and

(b) whether they have got permission to attend the Races during office hours?

^a Printed as Appendix II on page 685 infra.

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THE HON. SRI V. I. MUNISWAMI PILLAI:—“(a) The officers can accept private practice without detriment to their regular duties. It is not clear what ‘jobs’ are referred to in the question.

"(b) Except in emergent cases where the officers may be invited to attend to animals, no one can leave his official duties without proper permission from the authorities concerned."

Removal of dead wood from reserved forests.

* 1301 Q.—SRI MUTHU KR. AR. KR. ARUNACHALAM CHETTIYAR: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that the Government permitted as an experimental measure removal of dead wood from reserved forests in certain localities on payment of 6 pies per head load;

(b) whether the Government are satisfied with the results of the experiment;

(c) if so, whether the Government propose to extend the concession to more centres: and

(d) if so, to what centres in 1939-40?

THE HON. SRI V. I. MUNISWAMI PILLAI:—" (a) The answer is in the affirmative.

"(b) The experiment was successful in some localities.

“(c) & (d) The concession has already been extended to some new centres in Coimbatore, Tinnevelly, Anantapur, Cuddapah, Kurnool and Chittoor districts.”

Quantity and value of bangles imported into this Province.

* 1302 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the quantities of bangles imported into this Province; and

(b) the value thereof?

SRI B. S MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—“(a) & (b) Information as regards the quantities of bangles imported into this Province is not available. The value of bangles imported into this Province during the five years, 1934-35 to 1938-39, is given below:—

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SRI K. V. R. SWAMI:—" May I know, Sir, whether any attempt has been made to revive this industry? "

SRI B. S. MURTI:—" Yes, Sir, as soon as circumstances permit."

Employment of a mining geologist in the Industries Department.

* 1303 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government have come to any decision in respect of employing a mining geologist in the Department of Industries; and

(b) if so, what the result is?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—" (a) & (b) The proposal to employ a mining geologist has been deferred for the present."

SRI K. V. R. SWAMI:—" For what reason was it deferred and for how long has it been under the consideration of the Government? "

SRI B. S. MURTI:—" For reasons of finance."

SRI K. V. R. SWAMI:—" What is the cost, Sir? "

SRI B. S. MURTI:—" Notice."

Measures for the development of basic industries.

* 1304 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government have taken any steps for developing basic industries such as alkali, staple fibre, calcium carbide; and

(b) if so, what these steps are?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—" (a) & (b) The attention of the hon Member is invited to pages 13-14 of the Administration Report of the Industries Department for 1937-38, a copy of which is available in the Library of the Madras Legislature."

Manufacture of fertilizers in the Province.

* 1305 Q.—SRI B. T. SESHADRIACHARIAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the report which was under preparation in regard to the possibilities of manufacturing fertilizers in this Province is ready; and

(b) if so, the steps the Government propose to take to give effect to the recommendations, if any, therein?

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SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—“(a) The examination of the scheme has been deferred for the present.

“(b) Does not arise.”

Alleged victimisation of the members of the Tirupati Labour Union by the Tirumalai-Tirupati Devasthanam authorities.

* 1306 Q.—SRI P. R. K. SARMA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether he received at any time from the Tirupati Labour Union any complaint of victimisation of its members who are employed in the Devasthanam by the Devasthanam Commissioner, or his representative;

(b) whether there was a wholesale discharge of all the workers of the Electrical department; and

(c) whether the Government interfered in the matter and if so, how the dispute was settled?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon Sri V. V. Giri:—“(a) Yes.

“(b) The answer is in the negative.

“(c) On the intervention of Government, the management took back the discharged workers.”

SRI P. R. K. SARMA:—“May I know whether the general Secretary of the Union was transferred to a remote place for the reason that he held that position?”

SRI B. S. MURTI:—“I do not think that the transfer was effected for the reasons alleged.”

SRI P. R. K. SARMA:—“May I know, Sir, whether, in view of the important office he holds in the Union, the Government would advise the Devasthanam authorities to transfer him back to Tirupati?”

SRI B. S. MURTI:—“If the Government feel that the Secretary's services are quite essential to the Union, the Government will then consider the case.”

Census of the educated unemployed.

*1307 Q.—SRI MUTHU KR. AR. KR. ARUNACHALAM CHETTIYAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether in his report on the census, taken in 1937, of the educated unemployed in the Province, the Director of Industries stated that it has not been successful;

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(b) what steps the Government propose to take to correct the census; and

(c) what further steps the Government propose to take to tackle the problem of unemployment among educated persons successfully?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—“(a) & (b) The Director of Industries and Commerce has stated that the census was not a success from the point of view of the index it has afforded of the intensity of unemployment in the areas surveyed. But he also added that it has afforded valuable material as regards such factors as the age and qualifications of the unemployed, the duration of unemployment, etc., etc.

“(c) The matter is under the consideration of this Government.”

SRI S. NAGAPPA:—“On what basis, Sir, does the Director of Industries and Commerce say that the census was not successful?”

SRI B. S. MURTI:—“After making every effort that is required.”

SRI K. V. R. SWAMI:—“May I know the nature of the effort, Sir?”

SRI B. S. MURTI:—“The Government ordered the collection of information regarding educated unemployed.”

Purchase of Indian-made articles of stationery for supply to the several Government offices and establishments.

* 1308 Q.—SRI P. R. K. SARMA: Will the Hon. the Minister for Administration Reports and Public Information be pleased to state—

(a) what the value of different varieties of stationery in stock in the Government Stationery Stores on 1st April 1938 was;

(b) what the value of stationery required for Government offices and establishments during the current year is;

(c) whether the Government have placed orders for purchasing the necessary stationery and, if so, in which market; and

(d) whether the Government have issued instructions to the authorities concerned to purchase only goods manufactured in India and, if not, whether the Government would do so immediately?

THE HON. SRI S. RAMANATHAN:—“(a) A statement^a is placed on the table.

^a Printed as Appendix III (1) on page 686 infra.

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“(b) Information as to the value of stationery supply to different departments of Government in 1938-39 is not available. Information has been called for.

“(c) It is presumed that the hon. Member refers to the year 1938-39. If so, a statement^a is placed on the table.

“(d) The attention of the hon. Member is invited to the Press communiqué issued in January 1938.”

Joint representation of certain Panchayat Boards in Ponnani taluk for Government grant.

* 1309 Q.—P. K. MOIDEEN KUTTY SAHIB BAHADUR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have received recently any representation from the three Panchayat Boards of Attupuram, Vadakkekad, and Kadikkad in Ponnani taluk jointly for a grant; and

(b) if so, whether the Government have reached any decision on the representation?

THE HON. SRI B. GOPALA REDDI:—“(a) & (b) No application for a grant has been received from the Panchayat Boards referred to.”

Reconstruction of the bridge over Srivarkuntam anicut.

* 1310 Q.—SRI A. R. A. S. DURAISWAMI NADAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether there is a proposal to dismantle and rebuild the bridge over Srivarkuntam anicut;

(b) the estimated cost of the same;

(c) the period required for the completion of the work; and

(d) in view of the huge cart and bus traffic across the bridge, whether the Government will consider the desirability of broadening the bridge as much as possible?

THE HON. SRI B. GOPALA REDDI:—“(a) The proposal is to dismantle and rebuild the decking of the bridge.

“(b) Rs. 88,000.

“(c) One year.

“(d) Provision is made for two lines of traffic.”

^a Printed as Appendix III (2) on pages 687-688 infra.

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Report of the District Board Engineer, Vizagapatam, on the state of road-culverts and other works of the Panchayat Board, Chodavaram.

* 1311 Q.—SRI D. V. RAMASWAMI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the District Board Engineer, Vizagapatam, inspected and enquired into the road culverts and other works of the Chodavaram Panchayat Board and submitted any report to the Government in the last week of December 1938; and

(b) if so, whether it was considered by the Government and if so, with what result?

THE HON. SRI B. GOPALA REDDI:—“(a) & (b) The Inspector of Municipal Councils and Local Boards has asked the District Board Engineer to inspect the works of the Chodavaram Panchayat Board. No report has been received by the Government.”

Maintenance of libraries and reading rooms by Panchayats.

* 1312 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Education be pleased to state whether the Government have cancelled the rule issued in 1936 by which Panchayats were prohibited from using their funds on the maintenance of libraries and reading rooms (reference—starred question No. 163 answered on 29th January 1938)?

THE HON. SRI C. J. VARKEY:—“The answer is in the affirmative.”

Recognized and unrecognized educational institutions.

* 1313 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the number of recognized educational institutions is going down and that of unrecognized institutions is gradually increasing; and

(b) whether it is the intention of the Government to leave education more and more to privately-managed institutions though they are not recognized?

THE HON. SRI C. J. VARKEY:—“(a) There has been a decrease in the number of both recognized and unrecognized institutions.

“(b) The answer is in the negative.”

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UNSTARRED QUESTIONS

Facilities for the members of the Assembly not knowing English to follow the proceedings of the House during its meetings.

390 Q.—SRI V. V. NARASIMHAM: Will the Hon. the Prime Minister be pleased to state—

(a) what the number of members of the Legislative Assembly that do not understand English is; and

(b) what steps the Government intend to take to make these Members understand the proceedings of the meeting during the sessions and from what date?

A.—(a) About thirty-seven.

(b) The attention of the hon. Member is invited to the rulings given by the Hon. the Speaker on the 23rd, 24th and 27th March 1939 on the subject of languages of the House. The Government do not at present propose to take any further steps.

Exclusion of Kallar community from the list of scheduled classes and alleged threat of dismissal of Kallar school teachers for wearing khaddar.

391 Q.—SRI R. S. VENKATARAMIAH: Will the Hon. the Minister for Law be pleased to state—

(a) the total expenditure for the Kallar Reclamation Department in the Madura district, including North and South Range, from the starting of this Kallar Reclamation Department up to this year;

(b) when the Government removed the Kallar community of the Madura district from the scheduled classes;

(c) whether the Government received any representation from the Kallar community or reports from the Kallar District Advisory Committee of Madura district about re-including them among the scheduled classes or to treat them as a special class;

(d) whether it is a fact that teachers in Kallar schools under Reclamation Department in the Madura district are threatened with dismissal by the officers concerned for wearing khaddar jibbas; and

(e) if so, what action the Government propose to take in the matter?

A.—(a) The expenditure from 6th November 1921 up to February 1939 was Rs. 36,76,616-2-6 on establishment and other items and Rs. 14,56,922 on loans to Kallar Co-operative Societies. The Government have called for information as to the expenditure incurred prior to 1921.

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- (b) The Kallars were not included among the scheduled classes at any time.
- (c) The Government have received a copy of a resolution passed by the Kallar District Advisory Committee on the subject.
- (d) & (e) The answer to clause (d) is in the negative, and clause (e) consequently does not arise.

Applications from scheduled class members for selection to the post of an upper division clerk in the Madras Secretariat Service.

392 Q.—SRI V. KURMAYYA: Will the Hon. the Prime Minister be pleased to state—

- (a) whether the Madras Public Service Commission called for applications for the post of an Upper Division Clerk in the Madras Secretariat Service about nine months back and if so, from what communities;
- (b) the number of candidates that applied for the post from the scheduled classes;
- (c) the minimum qualification prescribed for the post;
- (d) the qualifications of the members of the scheduled classes who applied for the above post; and
- (e) whether any of the applications of the candidates belonging to the scheduled classes were rejected by the Madras Public Service Commission; and, if so, for what reasons?

A.—(a) In its notification, dated the 31st August 1938, the Madras Public Service Commission invited applications from members of the scheduled classes and from Muhammadans for three posts of Upper Division clerks in the Madras Secretariat Service.

- (b) No candidate from the scheduled classes applied for the post.
- (c) The minimum educational qualification prescribed for direct recruitment to the post is a first-class degree of B.A. or B.Sc., or the degree of M.A. or M.Sc., B.A. (Hons.), B.Sc. (Hons.) or a degree in Law or a first-class degree of B. Com. of the Andhra University. For the post of Upper Division Clerk in the Legal Department a degree in Law has been prescribed.
- (d) & (e) Do not arise.

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Orphanage grant for the St. Joseph's Boarding Home, Gunadala, Bezwada taluk.

393 Q.—SRI V. KURMAYYA: Will the Hon. the Minister for Education be pleased to state—

(a) the total number of the boarders in St. Joseph's Boarding Home, Gunadala, Bezwada taluk, Kistna district;

(b) the total number of the destitutes who are certified as such by officers competent to do so;

(c) the total number of orphans in the same Boarding House;

(d) the amount sanctioned by Government as orphanage grant from the Educational Funds every year for the last four years;

(e) whether the orphans and the destitutes reside in the Boarding House, Gunadala, in Christmas and Summer holidays; and

(f) if so, whether the orphanage grant has been paid to the Boarding House, Gunadala, for summer vacation also?

A.—(a) to (f) The particulars have been called for.

Alleged forgery by the manager of the Boarding House and the Elementary school, Gunadala.

394 Q.—SRI V. KURMAYYA: Will the Hon. the Minister for Education be pleased to state—

(a) whether a clerk of the St. Joseph's Boarding House, Gunadala, reported to the District Educational Officer, Kistna, and the Divisional Inspector, Guntur division, that his signature was forged for some time by the manager of the Boarding House and the Elementary school of Gunadala, for purposes of evidence that the clerk had been receiving a monthly salary of Rs. 15; and .

(b) whether the Government took any action so far in the matter?

A.—(a) & (b) The particulars have been called for.

Notification of the Yettugudi Devasthanam in Negapatam taluk.

395 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Yettugudi Devasthanam in Negapatam taluk has been notified; and

(b) if so, on what grounds?

A.—(a) The Hindu Religious Endowments Board has started proceedings under section 65-A of the Hindu Religious Endowments Act and issued notice to the

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trustees and other persons having interest to show cause why the temple and its endowments should not be notified.

(b) Notice ^a inviting objections for notification of the temple is placed on the table of the house.

Number of labour co-operative societies organized and registered in the Kurnool district and the number liquidated.

396 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the number of labour co-operative societies organized and registered by the Co-operative department for the last ten years in Kurnool district; and

(b) how many of them were liquidated; the names of such societies that were liquidated in Kurnool district and the reasons for such liquidation?

A.—(a) & (b) The Government have no information. They have called for a report.

Items of expenditure under Harijan uplift work in the Kurnool district during 1938-39.

397 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) how much amount was spent in Kurnool district from the Budget provision of 11.24 lakhs provided for 1938-39 for the amelioration of Harijans; and

(b) what the detailed heads of expenditure were and how much was spent under each head?

A.—(a) & (b) The Government have no information but have called for a report.

Production of poverty certificates for half-fee concessions.

398 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Education be pleased to state—

(a) whether half-fee concessions to girls, Muhammadan and Oriya boys and boys of backward classes and castes are granted under an amended rule by the Government;

(b) whether it is a fact that production of poverty certificate is made compulsory under the amended rule; and

(c) whether the Government have received representations that the insistence on the production of such certificates works great hardship on pupils who really are poor but whose parents are without any influence to get such certificates?

^a Printed as Appendix IV on page 689 infra.

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A.—(a) & (b) The half-fee concessions in question are intended for poor pupils. It has always been open to school or college authorities to require the production of poverty certificates in doubtful cases. No change has been made in the rules in this respect.

(c) The answer is in the negative.

Value of rail-borne trade in each of the last three years.

399 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether there is account kept for commodities going out of the Province and getting into the Province by rail; and

(b) if so, what their value is in each of the last three years?

A.—(a) A statement ^a giving a list of commodities in respect of which accounts relating to inland trade by rail are maintained, is placed on the table of the House.

(b) Only figures of the quantity of inland trade are available. Owing to the great disparity between prices for the same commodity in different parts of the country, it is not possible to work out any figures as regards their value with any degree of accuracy.

Payment of rent to the janmis in Malabar.

400 Q.—SRI E. M. SANKARAN NAMBUDRIPAD: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the attention of the Government has been drawn to that part of the report of the Committee appointed by the Malabar District Board to go into the question of the failure of crops in Malabar where the question of rent to be paid to the janmi is raised; and

(b) what action the Government propose to take to see that the revenue remissions benefit the actual cultivator?

A.—(a) The Government have received a report purporting to have been sent by a committee appointed by the district board and they have perused it.

(b) The matter is under consideration.

Cancellation of gun licences in Malabar for reasons of political views of the licensees.

401 Q.—SRI E. M. SANKARAN NAMBUDRIPAD: Will the Hon. the Minister for Law be pleased to state—

(a) the number of gun licences cancelled in Malabar since the present Government came into power;

^a Printed as Appendix V on page 690 *infra*.

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(b) whether any of these cancellations were for reasons of political views of the licensees; and

(c) if the answer to clause (b) is in the affirmative, whether the Government will consider the question of amending the rule so as to prevent cancellations for reasons of political views?

A.—(a) Between the 1st January 1937 and May 1938, five licences for fire arms were cancelled in Malabar under section 18 (a) of the Indian Arms Act. The Government have no information as to the number of licences cancelled subsequently, but the case of one licence that was cancelled in January 1939 has come to the notice of the Government.

(b) No licence was cancelled merely on account of the political views held by the licensee.

(c) The Government do not consider that an amendment of section 18 of the Indian Arms Act is called for. Government have already issued instructions regarding the point covered by (b) of this question.

[*Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.*]

II.—STATEMENT *RE THE RIO. S IN VELLORE*

* THE HON. SRI C. RAJAGOPALACHARIAR :—“ Mr. 3-30 Speaker, questions have been asked by Mr. Ramalinga Reddiyar. p.m. Mr. Ahmed Batcha Sahib and some others about the situation in Vellore. With your permission, Sir, I shall make a statement.

“ At Vellore, the Chitra Pournami procession and the Prophet’s Birthday celebrations synchronized this year. Having regard to the state of feeling in Vellore, orders under the Police Act were passed on 30th April and licences were issued for the regulation of processions and elaborate Police arrangements have also been made. The Pallakku procession of the Hindus entered the main bazaar, Vellore, at about 10 p.m. on the night of 2nd instant. According to the understanding arrived at and the orders passed, the Hindus should have stopped the music within fifty yards of the Masjid in the main bazaar. This was either not done, or something was done to let people imagine that the condition was disregarded in spirit if not in letter, and this led to a delay of the processions and the crowds at the Masjid, and the situation became dangerous. The Police had to tackle it at once, and force had to be used. I do not think it desirable to go into further details at this stage. The incidents led from one thing to another to most regrettable and grave disorder. The Government will make a full enquiry in the matter.

[Sri C. Rajagopalachariar]

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"I am glad to say that the situation is now fully under control. Business has been resumed in the town since the 8th instant. There are ample forces of Police in the town and special arrangements are being made to prevent any further repercussions in the town and in the surrounding villages. The Deputy Inspector-General of Police and the District Magistrate are on the spot doing all they can to maintain peace and order and to restore things to normal conditions. The latest reports show that beyond stray acts of incendiarism in isolated places in the surrounding area, the situation has resumed normality. The casualties so far are :—

Killed—1 Hindu and 2 Mussalmans.

Wounded—56 Hindus and 26 Mussalmans.

Police officers injured—9.

Arson—10 Hindu houses or shops and 12 Mussalman houses or shops.

Alleged looting of houses or shops—27; 2 Hindus, 25 Mussalmans.

"Both officials and non-officials are co-operating and taking vigorous action to prevent any recrudescence of trouble and to restore good feeling. Any premature allegations and counter-allegations are likely to retard the progress of this good feeling.

"I received a telephonic message from the District Magistrate at about 11 o'clock this morning saying that everything is quiet in Vellore since the afternoon of the 8th instant; shops are all open, and business is transacted as usual. Police patrols are moving as far as Arni in one direction and Ambur in the other. All possible measures have been taken to prevent a recrudescence of the trouble during the fesival at Gudiyattam, which starts next week."

D. ABDUL RAWOOF SAHIR BAHADUR:—"Have the Government any information of the losses?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The latest report shows that the damage done in terms of rupees is not much. It is Rs. 5,000 in Vellore town and Rs. 2,500 in Gudiyattam taluk."

III.—MOTION UNDER RULE 17 OF THE ASSEMBLY RULES.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I make a formal motion, Sir,—

'that Rule 17 of the Madras Legislative Assembly Rules be suspended and the House do resolve to transact Govern-

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“ It is true that this session was convened for a special purpose, but still I think a special motion is necessary.”

The motion was put and carried.

IV—THE MADRAS GENERAL SALES TAX BILL, 1939—*cont.*

MR. SPEAKER :—“ Discussion on the amendments to the Madras General Sales Tax Bill will now be resumed.”

Clause 2 (b).

* **THE HON. SRI C. RAJAGOPALACHARIAR** :—“ Mr. Speaker, I beg to move—

‘ Omit the words “ *in the course of trade or commerce therein, but does not include a person selling agricultural produce grown by himself or by others on his land.* ” ’

“ I move, Sir, this, because on a careful consideration of the legal effects of the drafting it is seen that it would be safer to put it in the definition under ‘ turnover ’, because, otherwise a dealer who does own a little bit of agricultural produce, and sells it would cease to be a dealer, and the whole of the operation of the Act would be similarly affected. It is safer to bring it under the definition of ‘ turnover ’ than under the definition of a ‘ dealer.’ ”

KUMARAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ You may explain that also here.”

* **THE HON. SRI C. RAJAGOPALACHARIAR** :—“ The definition of ‘ turnover ’ is dealt with under sub-clause (i). I shall also then move that—

‘ After the words “ *valuable consideration* ” insert the words “ *provided that the proceeds of the sale by a person of agricultural or horticultural produce grown by himself or grown on any land in which he has an interest whether as owner, usufructuary mortgagee, tenant or otherwise, shall be excluded from his turnover.* ” ’

“ In transferring this part of the definition of ‘ dealer ’ to the definition of ‘ turnover ’, I also take advantage to insert some other words which other amendments propose with reference to tenants and so on, so that the sale of produce by tenants and usufructuary mortgagees may be definitely excluded. I will move them with reference to sub-clause (j) when I come to that; but, here, I mention it by way of explanation.”

* **MR. H. S. TOWN** :—“ Sir, I have to oppose this amendment, because I am not able to accept just a portion of it. I am in full agreement with the proposal to transfer the question of

[Mr. H. S. Town]

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agricultural produce to the definition of 'turnover'; but I do not like the proposal to leave out the words 'in the course of trade or commerce therein.' If we turn to the definition of 'sale' we find that the words 'in the course of trade or commerce' are there. But they are not in the definition of 'turnover.' Now, whatever else this Bill may be, this Bill taxes turnover and **not** sale. I repeat, it taxes turnover. My point is this: if we leave out these words 'in the course of trade or commerce therein,' it will be possible to tax any one who buys anything. It will become a tax on the buyer. The buyer should not be treated as a 'dealer', if he buys not for the purpose of trade, but merely for the purpose of capital expenditure. I do not think it is the Government's intention to tax him; and I therefore have to oppose this amendment. But if the Government withdraw their motion with regard to the former part, I shall support the motion."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"If I understand Mr. Town aright, he wants to retain in the effective part of the definition, here or elsewhere, the words 'in the course of trade or commerce therein'."

* M.R. H.S. TOWN:—"Yes, Sir."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I moved that these words be omitted for the simple reason that in the first place it is mere tautology, and in the second place it may create confusion where there is none at present. The words 'carrying on the business of buying or selling goods' are quite ample to cover what is intended, and those words are clear enough to denote that simple acts of making a casual sale or purchase for a particular purpose are exempt. It is because we are advised by others that the other words here are quite sufficient to convey the correct meaning and that these words are unnecessary, that I move for the deletion of these words. It is not intended to bring in the casual purchaser under the terms 'carries on the business,' etc. Those words are clear enough."

KUMARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, if I remember aright, the words 'in the course of trade or commerce therein' were put in, in the Select Committee stage. I do not see from this copy definitely whether it is so or not. For the first time the Legislative Assembly office has circulated a Bill as amended by the Select Committee in such a manner that one is unable to find out whether there are any additions or alterations made in the Bill. Generally, a copy of a Bill as passed by the Select Committee will show in clarendon type and also in ellipsis what additions and omissions have been made in the Select Committee. Probably this change in the usual procedure is due to the great hurry to pass this measure."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Are you raising a point of order?"

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KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“The usual practice is to put the Select Committee's changes in a different type. If I am wrong, I shall be glad to be corrected. At this stage I do not raise any point of order. I only say, it will be convenient for members if the Select Committee's changes are put in a different type. Now, Sir, I think the point made by Mr. Town has not been answered by the Hon. the Premier. Sir, the point raised by Mr. Town is that, when a person buys for his own use, say machinery, then the dealer will not come under the tax. That is the point, Sir, and it may be said that when a business firm does this sort of business for its own use and incurs a capital expenditure on machinery and if the Government are not able to get at the seller, they may go and try to tax the buyer of the machinery. Therefore, I think it is right to say that, unless any article is bought with the purpose of selling, it should not be taxed and I do not think it is the intention of this enactment. Therefore, Sir, I would ask the Hon. Premier to consider this aspect. The object with which these words were included in the Select Committee was only to prevent such things. It should be made clear that only persons trading in goods should be taxed. I think it should be made clear in this part of the definition itself.”

* MR. G. E. WALKER:—“Sir, there is one point on the omission of the first few words which I should attempt to emphasise. If a person carries on business in selling goods he becomes a dealer under this definition. Therefore any casual purchase which he may make, as he is a dealer, might be sought to be taxed. I do not think this is the intention of the Bill and it may not be the intention of the Government. On the other hand, Sir, once this Bill has passed out of the hands of this House it is not possible for the Government to have direct control over every administrative act that is done under this Bill. My fear is that if a person who by carrying on the business of selling of goods becomes a dealer within this definition, purchases, let us say, as my hon. Friend the Leader of the Opposition has suggested, 'machinery' from abroad, where we are unable to tax the seller, he may be taxed on the *purchase*, under the terms of the definition, whatever the Government's intention may be.” If the Hon. the Premier lets the words remain there, it would cover the point, because the dealer would not be buying that machinery 'for the purpose of trade or commerce therein.' I am not sure if the Hon. the Premier recollects it, but my own recollection of these safeguarding words is that they were put in—and I confirm the hon. the Leader of the Opposition on this point—by the Select Committee at the instance of the Hon. Prime Minister. I think, these words, being safeguards, may well be allowed to remain, because they do not in any way create a redundancy, and are definitely covering awkward cases such as the one which I suggested and which cannot be met in any other way.”

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SRI G. KRISHNA RAO :—“ On a point of information, Sir. May I ask if the words that are objected to be retained in this Bill, namely ‘ for the purpose of trade or commerce therein ’ are in amplification of the process of buying and selling by a dealer ? ”

* THE HON. SRI C. RAJAGOPALACHARIAR :—“ There is no dispute as to facts here. It is quite true that it was I who thought of this phrase in order to exclude the particular transactions that have been referred to just now. But on further consideration and in consultation with legal brains, I have seen the point, viz.,—that is which I press on the hon. Members again and I want their close attention to this. It is a legal point—Any definition of the transaction in the definition of the word ‘ dealer ’ will not save the situation. The fact that the ‘ dealer ’ is defined in a particular manner will not save any particular transaction in the turnover from taxation. Therefore there is nothing gained by putting in these words in the definition of ‘ dealer.’ Therefore the right definition should be in the right place. Since the Opposition are agreed as to what is wanted in reference to the ‘ turnover ’ also, let it not be maintained that whenever any particular transaction of sale is not taxed that we will run after the buyer in the transactions referred to; the man who sells the material will be the seller and it is he that will be taxed. The real point is in the definition of ‘ sale ’, whether this really can be an aggregate of sale. That is the point to which hon. Members should turn their attention. You will find in the definition of ‘ sale ’ this is clearly put in. Therefore, there is ample guarantee in the proper place. There is no object in retaining it in the ‘ dealer ’ or reproducing it in the ‘ turnover.’ But it may be asked, ‘ What is the harm ? ’ Since you thought of it and let it be put there, let it remain there. There is harm; because we put in the words ‘ in the course of trade and commerce therein,’ there is just the doubt that in the course of trade or commerce a man may purchase his machinery and yet does not deal in that machinery. Therefore it is only to ensure the guarantee in the working and to avoid any ambiguity that I want to keep it in the definition of ‘ sale ’ and not in other definitions.”

The amendment was put and carried.

* MR. G. H. HODGSON :—“ May I have your permission to carry forward the amendment standing in my name and move it under clause 2 (j) ? ”

MR. SPEAKER :—“ We shall see later on. But this amendment does not arise now.”

* MR. G. H. HODGSON :—“ May I move the second half of my amendment ? ”

MR. SPEAKER :—“ It does not fit in.”

* THE HON. SRI C. RAJAGOPALACHARIAR :—“ It is an expansion of the definition of ‘ agricultural produce.’ ”

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MR. SPEAKER:—"It has nothing to do with the clause that we have omitted. It is an addition. It may be moved."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I think if he moves it under the definition of 'turnover' it would be better."

MR. SPEAKER:—"Of course, if he wants to move it here also, he may move it. But it will be better if it is moved under 'turnover'."

* MR. G. H. HODGSON:—"I will move it under 'turnover', Sir."

Explanation (1) to clause 2 (b).

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"Sir, I beg to move that—

'In line 1, omit the words "A co-operative society."'

"Sir, before I speak on this motion, I like to point out to the Government that this is a very important amendment that I am placing before them for their acceptance.

"Sir, when I speak on this amendment, I am not speaking as a Member speaking from the Opposition, but I am speaking as one who is interested in the Co-operative Movement. The Government, I am afraid, are doing a great disservice to the movement by including the co-operative societies in the definition of 'dealer.' It is not for me to point out the various handicaps under which the co-operative societies are suffering at present and the support and help that have been rendered by the Government from time to time to these co-operative societies. But in spite of all this, it cannot be said that the movement has been a complete success.

"My ground of attack on the attitude adopted by the Government with regard to the co-operative societies is three-fold. Firstly, I feel, Sir, that the co-operative society in the proper sense of the word cannot be treated as a 'dealer' at all. A co-operative society is not a business concern. Much less is it a profit-making concern. A co-operative society is a society that is intended to promote the economic interests of its members, and by no stretch of imagination can it be said that a co-operative society is a pure business concern. Sir, the activities of co-operative societies are entirely confined to their members and they do not go to the open markets. If the co-operative societies are brought within the scope of this Bill, the result will be that a commodity purchased by a society and sold to its members will be taxed twice, firstly when it is purchased and secondly when it is sold; so that whereas a member buying directly from the market pays the tax only once, he pays a double tax when purchasing from a co-operative society. In other words, if he purchases his provisions in the open market direct, he will pay the tax only once; whereas when he buys his provisions from the co-operative society, he is made to pay a double tax.

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"Secondly, I want to point out to the Hon. Premier that it is wrong in principle to tax the co-operative society. We find, Sir, that the Hon. the Premier has been kind enough to exempt the turnover of the agriculturist from taxation and we also see that the agriculturist has been shown various other privileges in the Agriculturists Relief Act and other enactments. Once we accept the principle that the agriculturist should receive our consideration, it is unfair, Sir, that this consideration should be denied to him when he becomes a member of a co-operative society. If privileges are to be given to him as an agriculturist, the same privilege should not be denied to him if he becomes a member of a co-operative society.

4.45 p.m. "Thirdly, I am afraid the tax would prove a great burden on many a co-operative society existing in our Province. With your permission, Sir, I will just refer the Government to the Report published by the Co-operative department and point out how some of the societies are in a very bad condition. If this tax is applied to them they will disappear much more quickly. At page 37 in the Annual Report on the working of the Madras Co-operative Societies Act of 1932, for the year 1937-38, it is mentioned under Loan and Sale Societies that there were 118 societies at the end of the year. All these societies 'sold produce to the value of Rs. 24.72 lakhs. Fifty-seven out of 118 societies worked at a net profit of Rs. 47,267 while the loss in other societies was only Rs. 9,875.' The number of societies that suffered the loss is 61, while the number of societies that earned any profit was 57.

"Then again, during 1937-38, thirteen sale societies were sanctioned Government loans amounting to Rs. 1,32,276 and a free grant of Rs. 43,144 for the construction of godowns. This shows that the Government have been giving support to them from time to time.

"Passing on to marketing societies, 'the main function of loan and sale societies,' according to the report, 'is marketing the produce of members but the societies have not yet developed this business to any large extent,' and the tax is now to be borne by them. 'During the year the value of sales effected through these societies was only Rs. 24.72 lakhs while goods of the value of Rs. 32.76 lakhs were released without sale.' Sir, with a view to help sale societies to market their goods, the Madras Provincial Marketing Society was started in 1936. The value of the goods marketed and the net profit earned by the Society were Rs. 93,224 and Rs. 2,817."

MR. SPEAKER:—"All these details are unnecessary."

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I am just explaining, Sir, that the societies are not in a condition to bear this tax. 'Fruits and vegetables including potatoes were the chief articles sold.' Am I to understand from the Government that it is their intention to tax societies which deal in fruits and

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vegetables, which are necessities of life? It would be hard if societies dealing in these commodities are to be taxed. I may also point out that this society, i.e., the Provincial Marketing Society is, according to the report, already suffering great handicaps. One factor which stands in the way of the greater progress of the society 'is the irregular supply of commodities of uncertain quantity and quality by the mufassal societies.' The result is that the Provincial Society is not in a position to guarantee the regular supply of articles to the consumers. I am afraid by passing this legislation and bringing the society within the definition of the term 'dealer,' we will be making its position worse.

"The case of the milk supply unions is most unfortunate. There are four milk supply unions in the province, at Madras, Coimbatore, Madura and Nellore. I need not go into the details though I have the figures before me because the time at my disposal is very short. Most of these unions have been running at a loss. With regard to the milk supply societies—you will permit me, Sir, to refer to the report and give the figures—'eighteen societies in Chingleput with a total membership of 607 and a share capital of Rs. 3,253, supplied milk to the Madras Milk Supply Union of the value of Rs. 41,724. Four societies earned a profit of Rs. 53 and the rest incurred a net loss of Rs. 333.'

"Sir, 'the Mental Hospital Milk Supply Society in Madras with a membership of 180 and a share capital of Rs. 1,165 earned a net profit of Rs. 18.' The five societies in Coimbatore worked at a total net loss of Rs. 527. The report adds, 'these primary milk supply societies do not aim at earning large profits. Their object is to help the members by way of securing them good prices for their milk and by giving them the advantages of correct measures.' This is the position so far as co-operative societies are concerned and if we are going to deal with these co-operative societies in the manner suggested in the Bill, we will inflict a great harm and injury to the co-operative movement. I hope that the Minister for Industries would have represented all these things to the Hon. the Premier and I do not know why in spite of all these representations the co-operative societies have been brought within the scope of this Bill. May I suggest to the Hon. the Premier this? We have the Committee on Co-operation sitting at Madras from day to day. Let the Government refer to the Committee the question whether the application of the tax to the co-operative societies would or would not prove injurious to their progress."

MR. SPEAKER:—"What is the meaning of Government referring the question to the Committee? The House will have to pass it."

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I suggest to the Hon. the Premier to accept my amendment now and refer the matter to the committee on co-operation."

MR. SPEAKER:—"How can he do it?"

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K. ABDUR RAHMAN KILAN SALLIB Bahadur :—“ It is therefore, Sir, that I am requesting the Premier to accept my amendment and in the meanwhile to refer the matter to the Committee and find out its opinion ; and if the Committee gives its opinion in favour of bringing the co-operative societies within the scope of this Bill, then he can bring in another amending Bill for this purpose. I have given my suggestion and I hope the Hon. the Premier will find his way to accept it. Let him not be reluctant to accept this amendment because it comes from a young member like me. (Laughter.) The other day there was a reference to that effect. But may I respectfully submit that I have thought over this point for a considerable time and I feel, Sir, that the co-operative society does deserve the help that I am pleading for.”

The amendment was seconded by V. S. T. Shaik Mansoor Tharanagar Sahib Bahadur.

The Hon. Sri C. RAJAGOPALACHARIAR :—“ I have to defend myself, Sir. It is quite true that this has been pressed from the very outset not only by individual members but even by departments and by Ministers. I admit all that. But I still oppose this amendment, because this is not the way to help co-operative societies at all. (An hon. Member : Hear, hear.) It is not by giving a number of small concessions in registration or in this or in that, for instance, exempting them from the tax, from railway fare, exempting them from house rent, it is not by all these things that we can demonstrate to the public that co-operation is good. We have to demonstrate to the public that co-operative organizations are good, that they are to be on the same level with individual and separatist trade and business. If we give these minor concessions, we will only be disproving the case for co-operative societies and the small tax should therefore be borne by co-operative societies and yet co-operation should be proved to be a success and a good thing. It is only on this ground, Sir, that I say, ‘ Let us treat all people alike including co-operative societies to which the Government give aid in many other ways, by giving an officer for auditing, by giving an officer for supervision and so on, which we do not give to the ordinary dealer.’ Therefore, I do not accept this amendment.”

The amendment was put and lost.

SRI B. BHAKTAVATSALU NAYUDU :—“ I beg to move that—

‘ In line 2 between the words “ goods ” and “ to ” insert the words “ accompanied by actual delivery ”.’

“ My point is there are many corporate bodies which act as agents or intermediaries and which buy and sell goods only in a nominal sense. Being mere agents, they do not make much profit —more often than not they make just a half per cent or so ; they have not invested capital, and hence rest content with a nominal

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profit. When they buy they do not take delivery, and when they sell they do not give delivery. All the same they play, with their unique knowledge and experience in the line, a very useful, a very vital and a very necessary part; their services being invaluable—their co-operation is sought as much by those who buy as those who sell—to impose on them a turnover tax of a half per cent is to deprive them of all their profits, if not also inflict on them actual loss, to throw them out of the field of commerce and to snap a vital link in the mechanism of business. The real meaning of 'sale' includes actual delivery of the goods. Hence the amendment I have moved. The amendment, if accepted, would save the useful middlemen from extinction as well as mitigate the cumulative effect of the proposed tax. So, I hope the Hon. the Premier will accept this amendment."

KUMARARAJA MUTHIAH CHETTIYAR of CHETTINAD:—
"I second it."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"If I have understood the motion aright, it is to exclude all the bigger business from the Sales Tax and I cannot accept it, Sir."

KUMARARAJA MUTHIAH CHETTIYAR of CHETTINAD:—
"I have not understood the explanation of the Hon. the Prime Minister. Will he explain it still further, Sir?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"If I have understood the motion of Mr. Bhaktavatsalu Nayudu aright, it would exclude all the really bigger businesses from the operation of this tax. Therefore I do not accept this amendment."

The amendment was put and lost.

Explanation (2) to clause 2 (b).

* MR. G. H. HODGSON:—"Sir, I beg to move—
Omit 'Explanation (2) to clause 2 (b).'

"Sir, we are not told what the exact intention of this explanation is. There are two methods by which an absentee principal may sell his goods in this Province: one is by the appointment of commission agents by whom a certain amount of money is spent in this country. The other method is to sell their goods by travelling salesmen who work round the Province collecting indents. It seems to me that this explanation is going to penalise the agent who is of some use in the Province and will let off the travelling salesman.

"Then, further, Sir, the agent of a non-resident principal is to be deemed to be a dealer. I think the Hon. the Premier said just now that making him a dealer does not make him the seller; and if a dealer is not in fact a seller, then, this explanation seems to be altogether redundant and on these grounds I move this amendment."

The amendment was seconded by Mr. G. E. Walker.

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* THE HON. SRI C. RAJAGOPALACHARIAR:—"This explanation has been put in, Sir, in order to have some person legally responsible for transactions that take place within the Province. If any transaction takes place within the Province which is taxable according to this Bill and the rules when they become law, then we must know to whom notices have to be served and on whom demands should be made and so on. This definition of 'dealer' brings in the agent as the person responsible if the principal is outside our legal jurisdiction. It is only for that purpose that this explanation is here. As to what amounts to a sale which is taxable, that will depend upon the turnover and upon the definition of the sale. So far as a person has to be shown responsible, the definition 'dealer' including agent is in this clause for the absent principals is absolutely necessary for any measure which has to be executed. It is for that reason this has been put in here by the Select Committee. I submit, Sir, that it is necessary and it is not intended to expand or contract the normal scope of this Bill."

* KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—
5. "So far as the agent is concerned under the ordinary law, he is always responsible to the principal; if he is an undisclosed principal then the agent is himself responsible for the tax. I would like the Hon. the Premier to enlighten me and the House as to what particular cases he has in view where the tax may be avoided."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"It is not to deal with any cases of avoiding the tax at all that the explanation is inserted. Nor is it open to me to instruct people as to how to avoid the tax. Let me say what is intended to be covered once again. If there is a gentleman in Bagdad who has appointed an agent here to sell goods and I send the notice to the agent here, he can very well say: "I am not the owner of these goods. What is the good of your serving the notice on me?" Under the normal law of agency the disclosed principal is no doubt recognized, and the agent is deemed to be the principal. But we cannot draw that law in a revenue enactment. On the general juridical principle this explanation is put in. It is not intended to cover any definite cases of new kind of taxation. It is merely to make a man responsible for executive action."

The amendment was put and lost.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I move—
'In clause 2 (b)—Explanation (2), omit the words "for the purpose of trade or commerce therein".'

"I have already explained the reasons, Sir, and there is nothing more to be said on this."

The amendment was put and carried.

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Clause 2 (c).

* MR. G. E. WALKER:—"I move—

'In lines 3 and 4 omit the words " and includes all materials, commodities and articles "'.

"Sir, those words are a relic of the clause as it appeared in the original Bill. The Select Committee attended to the clause and inserted at the beginning of the clause the word 'means.' This made the words at the end of the clause unnecessary. I now suggest that these be omitted because in my submission, firstly they are unnecessary, and they are, secondly, not very good English. The clause now needs no addition after the words 'goods' means all kinds, etc., because this is a very exhaustive definition and is in fact taken from the Sale of Goods Act. If the Prime Minister would like, for the purpose of confusing the layman, to retain the words all materials and articles, then I hope, Sir, that if he does not want to accept this amendment he will accept the next amendment, because that would at least turn the clause into English. But I suggest there is no need for these words at all as the definition is quite exhaustive and the extra words tend to confuse the issue. I have been consulted by several of my constituents about the word 'commodities' and the dictionary meaning is 'any useful thing.' It may be goods within the meaning of the clause, or it may not. The illustrative words, I suggest, do not clarify the definition but tend to confuse it. Therefore I hope the Prime Minister will accept the amendment."

MR. SPEAKER:—"Does the hon. Member think that the next amendment is better?"

* MR. G. E. WALKER:—"The other amendment is—

'In lines 3 and 4 for the words " and includes all materials " substitute the words " but includes all other materials "'.

"The clause in the Bill excludes certain commodities and the exclusion phrase should be followed by 'but,' not 'and'."

MR. SPEAKER:—"It would be better if the two amendments are discussed together."

* MR. G. E. WALKER:—"If the Prime Minister rejects the first I move the second. But I don't want to add anything to what I have already said."

The amendments were duly seconded.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"It is difficult for me to argue on English with Englishmen. If I am given the privilege, I should like to say that 'but all other materials' would not fit in because stocks and shares would be taken as materials."

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MR. G. E. WALKER.—“They are commodities.”

* THE HON. SRI C. RAJAGOPALACHARIAR:—“I shall deal with the previous amendment more elaborately. The words ‘and includes all materials, etc.,’ are proposed to be omitted. Since we have got ‘all kinds of movable property’ I may say, speaking as a layman, I would find no difficulty in accepting this amendment. But the Government of India Act has in a solemn section No. 311 stated definitely that ‘goods’ includes all materials, commodities and articles. I think it is safe to keep that definition in an Act which we pass under this Act. There is no harm in it. That is all I can say. As regards the English of it, when we say ‘all kinds of movable properties other than securities, etc.,’ there is possibly a doubt raised and in order to remove that we have added this. None of these three would include stocks, shares and securities. They would not be materials except in the legal sense. I do not think there is any substantial objection. I would rather maintain the style of the Government of India Act.”

The amendments were put and lost.

Clause 2 (d).

* THE HON. SRI C. RAJAGOPALACHARIAR:—“I move, Sir—

‘Omit clause 2 (d).’”

The amendment was put and carried.

Clause 2 (i).

* H. S. HUSSAIN SAHIB BAHADUR:—“I am moving the second amendment, Sir, to clause 2 (i), viz.:—

For clause 2 (i), substitute the following:—

‘(i) “Sale” with all its grammatical variations and cognate expressions means every transfer of the property in goods in the course of trade or business in exchange for a price paid or promised or part-paid and part-promised or for any other valuable consideration, but does not include a mortgage, hypothecation, charge or pledge.’

4-30
p.m.

“Sir, my amendment follows the definition given in the Transfer of Property Act, because, Sir, the amendment that I propose will make the matter more clear. The transfer should be in exchange for a price paid or promised. That, of course, means for cash payment, or promised to be made in future, or part-paid, i.e., a portion of the price may be paid at the time of the sale and the remaining in the future. I think, Sir, the definition given in the Transfer of Property Act is better and might be adopted as the definition of ‘sale’ in this Bill. It will make matters clear. The Hon. the Premier, in the amendment he has given notice of to this sub-clause says that the transfer should be for cash or for deferred payment. That does not cover all these

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cases. Transfer must be either for cash on the spot or for deferred payment according to him. But there may be a case where part payment is made in cash and the balance is paid some time later. Therefore I have moved this amendment in the hope that it will be accepted."

The amendment was duly seconded.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I am at a loss to understand what the object of the proposed amendment is. I am therefore unable to make up my mind on this. Is it simply elegancy of drafting?"

* H. S. HUSSAIN SAHIB BAHADUR:—"I have tried to explain my amendment by saying that this will cover all cases. I have stated in my amendment that a price which is fixed for goods might not be paid all in cash. There may be cases where part payment only would be made."

MR. SPEAKER:—"Is it taken from the Transfer of Property Act, word for word?"

* H. S. HUSSAIN SAHIB BAHADUR:—"Yes, word for word, I have taken it from the Transfer of Property Act."

MR. SPEAKER:—"But the Prime Minister has taken it from the Sale of Goods Act."

* H. S. HUSSAIN SAHIB BAHADUR:—"I think the definition in the Transfer of Property Act is better."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Unless Mr. Hussain shows what improvement his amendment will bring about, I will stick to my wording."

MR. SPEAKER:—"There is nothing particularly gained. There is only a difference in wording."

* H. S. HUSSAIN SAHIB BAHADUR:—"According to the amendment proposed by the Hon. the Prime Minister, it must be for cash or for deferred payment."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"The words 'or other valuable consideration' are already there."

* H. S. HUSSAIN SAHIB BAHADUR:—"It may not be for money, but for some other things. My amendment will cover all cases like that. My point is that the price itself which has to be paid in cash, might not be paid in full at once. If the Hon. Premier thinks that 'or other valuable consideration' will cover all cases, I have no objection to his adhering to his own definition."

The amendment was, by leave, withdrawn.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I move—
'In line 5, for the word "money" substitute "cash or for deferred payment."

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"All that I have to say on this amendment has been already said by Mr. Hussain."

The amendment was put and carried.

New explanations to clause 2 (i).

* MR. G. E. WALKER:—"Sir, I move the amendment standing in my name, viz.,—

After the word "Explanation" add the figure (1) and at the end of the Explanation add the following:—

"Explanation (2).—For the purposes of assessment to the tax, a sale shall be deemed to be effected at the time when the consideration for the sale is paid."

"Explanation (3).—For the purposes of assessment to the tax, a sale shall be deemed to be effected at the place where property in the goods is transferred from the seller to the purchaser".

"Sir, this question is one of the greatest importance in interpreting the Act. The absence of any indication as to the time or place where a sale is effected is a serious drafting deficiency. Even in Australia where the Sales Tax Act is a Federal taxation measure, and in spite of its being wholly within a strong customs barrier, they have found it very necessary to define the time and place where a sale is effected for the purpose of the Sales Tax. They found it not only necessary to define it clearly at the time the Bill was passed, but I gather that the Government of the Commonwealth of Australia has recently felt it necessary further to amend the definition, especially in connexion with the thorny problem of services involving the use of goods so well known to my hon. and learned Friend, the Advocate-General. It is therefore extremely important to define this point in relation to our own Sales Tax Act. Time and place, i.e., when and where sales are effected, are always one of the knotty points in a contract. I was once in practice at the Bar in a country where two systems of law were followed. Hon. Members probably know that in Africa, the Union and Southern Rhodesia follow Roman Dutch law, while all the Colonies to the north and east of Southern Rhodesia follow English law. On account of the conflict of those two systems in respect particularly of the law of contract, there is extremely lucrative practice for the lawyers. Now, in India also, we have several legal systems. There are the British Indian Provinces, each with its own differing laws; on our borders, we have the Indian States, where different systems prevail. In addition to this, there are parts of India administered under French and Portuguese law. In such circumstances the conflict of law will always crop up. I may in this connexion refer to page 12 of Pollock and Mulla, where it is said:

"It may be doubtful what law is to be applied to decide on the validity or the interpretation of a contract or both, as where the contract is made in one jurisdiction and is to be performed in another, or is sued on in a jurisdiction where it was not made or to be performed."

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Later on they say, after stating certain rules :

'These rules are only in the nature of presumptions, and subject to the intention of the parties, whether expressly declared, or inferred from the terms and nature of the contract and the circumstances of the case.'

These points occasion enormous difficulty even in the ordinary interpretation of the Law of Contract. But when we have, added to the ordinary Law of Contract, the difficulty of a tax on sales, the position becomes decidedly worse. In case the Hon. the Prime Minister thinks that there is no difficulty on this point, may I put to him, as an, academic case, the following: Let us suppose, Sir, the Madras branch of a firm whose head office is in the Punjab sells goods to a Dutch firm in Travancore. I do not know whether there is actually a Dutch firm in Travancore, but let us assume that there is for the purposes of argument. Part of the goods for which the contract is made is to be delivered from stocks in Calcutta and part from stocks in Bombay. Those from Bombay are delivered *via* Cochin and are invoiced on Willingdon Island in the Cochin State and those from Calcutta are delivered via Pondicherry and are invoiced in French India. Delivery is taken in Travancore, and payment is made, let us say, to the London office of the firm by a draft drawn on a bank in Amsterdam. Can my hon. and learned Friend the Advocate-General tell me for certain where the contract was made and when, even by looking up the authorities? Even in respect of contracts which are made in the same jurisdiction, there are always doubts regarding time and place. In general, the tests for time and place, are the passing of the property from one hand to another and the payment of the consideration for the sale. But that is complicated in the case of contracts where the purchase price is paid in advance, or where delivery is made in instalments subsequently. This, Sir, is further complicated by the question whether any particular transaction is a sale or is only an agreement to sell. All this can be remedied if the time of sale is taken as the time of payment, and the place of sale is taken as the place where property in the goods left the hands of the seller. Personally, I should be quite satisfied to see both time and place fixed at the passing of the property in the goods. But this is always complicated by the question of payment in instalments, and payment under the form of hire-purchase agreement known as the 'Singer Sewing Machine Agreement' which has been the subject of many decisions of the courts. But at least if the time and place of payment are made clear, the Government would lose nothing. There is no conflict between this and the existing Explanation which provides that where a transfer of goods is made on the hire-purchase or other instalment system of payment, notwithstanding the fact that the seller retains the title in the goods as security for payment of the price, it shall be deemed to be a sale. With my amendment, it will still be a sale; the only

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distinction will be that the Government will get its tax when the purchase price is paid, that is, on the instalments and not on the lump sum when the débit for the transaction is entered in the seller's books. Therefore, so far as the Government and the taxpayer are concerned, the position remains the same and the one makes, and the other receives, payment of the tax in full.

"Regarding the fixation of the place, I think it is admitted by the Government that they have no right to tax sales which take place outside the Presidency; the Prime Minister made a distinction in the Select Committee between firm sales within the Province and sales made abroad on consignment. Even within the Presidency, Sir, we have the case of firms which, having their head offices within the Province, nevertheless carry on large businesses in the surrounding Indian States. The accounts of the business done in the Indian States are frequently transferred to the books of the head office at Madras.

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2.m.</sup> "I do not think it is open to the Government to tax such transactions, but I suggest that the position should be made plain in the Bill itself. Therefore, in the interests of the business community, I hope that these amendments will be accepted. The Government will lose nothing whatever by accepting them and they would clear up the position, very much to the benefit of the business community who will have to pay this tax. I am afraid that I look on these things rather from a lawyer's standpoint, and I admit that I find it very difficult to advise my constituents on the problems raised by the Bill, on account of the uncertainty of the various clauses. But, my difficulty in advising my constituents is not so important as the difficulty which these constituents themselves have in understanding the Bill; for, after all, they are the people who will have to pay the tax.

"Sir, I should like to refer for a moment to the speech of the Hon. Prime Minister when he moved that the Report of the Select Committee be taken into consideration. He said that extremely good arguments would have to be put up for him to accept any amendments which might have to be moved. I have been at considerable pains to put up what I believe to be extremely good arguments, but I am afraid that the Hon. the Premier has not been listening to them, because he has been engaging himself in conversation with my hon. and learned Friend the Advocate-General. Nevertheless I have put forward my case and I submit that I have done my duty by you and by the hon. Members of this House in putting forward arguments to justify the introduction of what I believe to be an extremely reasonable and reasoned amendment."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I second the amendment.

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“ Sir, the motion made by my hon. Friend Mr. Walker, consists of two parts. The first part has already been dealt with earlier when the House accepted the principle of taxing even deferred payments. So I shall now be happy if the Hon. the Premier will see his way to reconsider the decision. But I shall not take up the time of the House in speaking upon that part of the amendment. With regard to the second, I only wish to say that it is not a new point. This point has practically been conceded so far as the amended Bill goes. My own contention is that even without this amendment, it is not possible to bring under the scope of this Bill tax on sales where the property in the goods is transferred to the purchaser outside the Province. That being the case, probably if businessmen feel some apprehension with regard to the interpretation . . . ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ Businessmen want some leakage in the Bill.”

KUMARAJA MUTHIAH CHETTIYAR of CHETTINAD:—“ Sir, the Hon. the Premier says that businessmen want some leakage in the Bill. I can assure him that there shall be no leakage in the Bill or the saving of any right of anybody. It is one thing to oppose the Bill on principle. It is one thing to oppose a particular clause relating to a particular tax. But if it is pointed out when the Bill is going to be passed that there is going to be evasion, even the bitterest opponent of this measure will not allow such a thing. I say it is not our object to get loopholes or leakage in the Bill. I think that is not at all our intention. I think it is only fair to the Members of this House, that the Government should think that the intention of those who bring forward these amendments is not at all to defeat the object of the Government in raising this tax. It is only with the object of bringing forward before this House grievances and hardships that will enure to the business community after this Bill is passed into law that these amendments are suggested. If the Hon. Minister thinks that the hardship contemplated under particular clauses of the Bill will not exist, or thinks that those difficulties or hardships have been met by some other provisions in the same Bill, it will certainly be right for him to convince us so now.

“ As far as I can see the amended Bill which has been placed before us, I think it is safe to have this amendment. Surely the Hon. the Premier is not going to say that he wants to tax even sales that take place in Lahore or some other place outside the Presidency. I hope he does not want any technical leakage in his favour. As I said already we do not want any leakage or anything of the kind. My hon. Friend Mr. Walker, wanted to put it in a plain manner. The object of his amendment is to declare and define saying that the transactions that are referred to in the particular clause refer fully and materially to those transactions which take place in the Province of Madras. There are certain

[Kumaraaja Muthiah Chettiar of Chettinad] [10th May 1939] companies which have their establishments and accounts at Madras, because they have to carry on their business from their head office at Madras and they have to keep accounts at Madras for certain contracts and sales which take place outside Madras. Merely because such transactions of sales are entered in the accounts of the head office, they should not be taxed. It is in order to differentiate such transactions, so that they may not be subject to this kind of tax, that these amendments are sought to be introduced. When the amendment regarding a reference to the High Court is moved, I hope I shall have another opportunity of speaking on that motion and especially about the doubtful interpretation that may be put upon the existing clause in the Bill. When we consider that this Bill is going to fetch 4 crores of rupees to the Government, the Government can well afford to pay their Advocate-General or some of the best lawyers to defend their case, particularly in view of the fact that they are going to get 1½ crores by way of contribution from income-tax. Anyhow I shall not refer to that amendment in detail now. I only wish to say that as far as possible, though we may have a provision to refer the matter to some tribunal like the High Court, we may try to obviate such difficulties with the help of lawyer Members of this House here and now. I am quite sure that it would be possible for the Government to clear up such doubts with the help of the Advocate-General, who, I am sure, is advising the Government on such matters. I should say that it is the duty of this House whenever doubts arise to clear up such doubts. So, we shall be shirking our duty if we do not accept this amendment. I should like to say again that it is not with the object of defeating the object of the Government in raising money that this amendment is brought forward."

ABDUL HAMEED KHAN SAHIB BAHAUDUR:—"I only wish to speak on Explanation (3). The scheme of the Bill is to tax such transactions that take place within the Province of Madras, and not those that take place outside it or in the Indian States or in any other part of the world. I understand that the Hon. the Premier will be able to give us some explanation for the existence of this clause in this form. If he satisfies us with his explanation, we need not cover the whole ground by talking on this amendment. But if we are not satisfied with his explanation, the fact of his having been allowed to reply at this stage will not take away our right of speaking on this motion again."

MR. SPEAKER:—"The Hon. the Premier will now reply."

KHAN BAHAUDUR P. KHALIF-UL-LAH SAHIB BAHAUDUR:—"My humble submission is that if the Hon. the Premier were to listen to all our difficulties and then reply, it would be better."

MR. SPEAKER:—"If he explains all the difficulties, that would save a lot of time."

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KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—“I do not know whether the Hon. Premier could imagine all our difficulties.”

THE HON. SRI C RAJAGOPALACHARIAR:—“A personal explanation first. Mr. Walker explained that I was not listening to him when he was making a most important point. He is under a wrong impression. I was listening to him so well that I immediately had to consult the Advocate-General as to which is the best way of disposing of the difficulty in a matter of this kind.

“Explanation (2) is with regard to the question as to when a sale shall be deemed to have taken place. Whether it is deferred payment or immediate payment, the previous definition given in the explanation covers all such cases. Therefore, now to go back upon that definition and try to define the time-limit within which if consideration for a sale is paid it should be considered as a sale within the meaning of this clause, would lead to doubts and difficulties and probably litigation. I do not really think that any object would be gained by attempting to define that point under a new explanation, viz., explanation (2). Therefore explanation (2) should be deemed to have been practically dealt with.

“So far as explanation (3) is concerned, I am rather surprised at the point which is sought to be made now by bringing forward this explanation now. My doubt is whether we can deal with it at all. Now the power of this Government to levy tax on the sale does not depend—except for the purpose of determining the manner and the quantity thereof—upon what we say in this Bill. The Government of India Act gives power to levy a tax on sale. We cannot go beyond that. The definition now sought to be made in the explanation merely seeks to forestall the arguments which may be raised in the Federal Court. I say, therefore, that the explanation is quite out of place here. It is quite true that we cannot tax a sale which takes place in London or Bombay. But that will not cease to become taxable unless we agree in this Bill not to tax it. It may be said that the proposed definition will tend to reduce the legal difficulties. Yet, I think it is unnecessary, and it is not within our scope. So I would request the hon. Member to withdraw this amendment. If a differential tax is levied as between one place and another, say between Madura and Trichinopoly or between some place and some other place in the Presidency, then a definition such as this would be necessary. In these circumstances, I think Mr. Walker's legal judgment would make him accept my explanation and withdraw his amendment.”

MR. SPEAKER:—“I think Mr. Walker has not got the benefit of his counsel by his side . . .”

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(A voice.—“ He himself is a barrister.”)

MR. SPEAKER.—“ Oh! I didn’t know till now that Mr. Walker is a barrister.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ So far as explanation (3) is concerned, I believe that the Government have taken particular care to see that any leakage is avoided. The Government have got control of the amount of tax that they wish to collect from the sales that take place in this Province. But then they have not taken into account any leakage or defect in the Bill that might be taken advantage of by them as against the merchants whose transactions take place outside this Province.

m. The sales that take place outside the Province may come to the account of the firm which is located in this Province and it is just possible that this sale may be interpreted to have taken place in this Province; whereas the merchant’s account books will clearly show that the sale has for all practical purposes taken place outside the Province. In order to avoid the difficulty of coming to a decision as to the place of the sale, I think, it is much better to make the intention even of the Government more explicit in order to avoid the disadvantageous position in which the firm concerned would be placed. I do not think that the Government would lose anything by accepting explanation (3).”

BASHEER AHMED SAYEED SAHIB BAHADUR:—“ I rise to a point of order, Sir. In view of the amendments which have already been accepted to clause 2 (i), I want to know whether Mr. Walker is in order in moving his first explanation. The House has already accepted the principle that a sale shall be a sale even though the payment is deferred. But Mr. Walker’s amendment says that it shall not be a sale if the payment is deferred. I submit, Sir, that it is not open to him now to move this amendment. At any rate, Sir, I want to have your ruling on the point.”

MR. G. E. WALKER:—“ May I speak on the point of order, Sir? ”

MR. SPEAKER:—“ I think it is not necessary.”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ Sir, I am not claiming that it is out of order. Of course, the point was discussed in substance. Mr. Walker’s amendment says that the sale shall be deemed to take place at a certain point of time. It is perfectly in order, if it is accepted.”

KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—“ Sir, so far as explanation (3) is concerned, I beg to submit that the important features of a legislative provision should be that it should be definite and certain. Explanation (3), I submit, makes this legislation surely more certain and definite.”

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[Khan Bahadur P. Khalif-ul-lah Sahib Bahadur]

Otherwise so many transactions which are not contemplated to be taxed will come under the scope of the Bill. It will give ample scope for litigation. The most important features of a sale are the place of sale and the time of sale. So far as the time is concerned, the House has already resolved that a sale shall be deemed to have taken place although the consideration for the sale has been deferred. I can now have no quarrel with it. But with regard to the place of sale, I think it is absolutely necessary that this House must definitely make up its mind and say definitely that a sale, to come under this Act, should take place at a certain place. It is very important. Otherwise, various difficulties will crop up and it is very desirable that such difficulties are avoided even while the Bill is on the anvil of the House. For instance, I am thinking of a case where I may purchase goods outside this Province and sell the same outside this Province without their passing into the Province at all, except for the matter of their being entered in my books. Unless the point with regard to the place of sale is made clear by incorporating explanation (3), which has been given notice of in the Bill, I should think that difficulties are bound to arise."

THE HON. SRI C. RAJAGOPALACHARIAR:—"May I ask whether Mr. Walker would accept an amendment to his amendment?"

MR. SPEAKER:—"A new explanation to the explanation?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I shall make my point clear. If it is only clarity that is wanted, would Mr. Walker and his friends agree if the explanation reads like this?

'For the purposes of assessment to the tax, a sale shall be deemed to be effected at the place where the contract of sale takes place or where the property in the goods is transferred or the delivery is made.'

That will clarify it very well."

MR. G. E. WALKER:—"I did not catch the details of the Hon. the Premier's amendment. May I hear it again?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The amendment is this—

'For the purposes of assessment to the tax, a sale shall be deemed to be effected at the place where the contract of sale takes place or where the property in the goods is transferred or the delivery is made.'

It will be precise and clear and no money need be paid to the Advocate-General."

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KHAN BAUADER P. KHALIF-UL-LAH SAHIB BAUADER.—“Sir, I beg to submit that the amendment of the Hon. Premier will be *ultra vires*, under the Government of India Act. We can deal only with the sale of goods and not with contracts for the sale of goods. Therefore, the amendment proposed by the Premier will be out of the question altogether. But the amendment of Mr. Walker defines the place where the sale will be deemed to have taken place. I think in a legislation dealing with a tax on sales, we should define clearly the place where the sale will be deemed to have taken place.”

MR. G. E. WALKER:—“Mr. Speaker, with regard to the Hon. the Prime Minister's offer, I find that the combined skill of the Hon. the Premier and of the learned Advocate-General is too much for me. I do not think that the suggestion which the Hon. the Prime Minister has made would clear the matter up in any way. I think it would obscure it more and make it not only difficult, but entirely impossible of comprehension. I feel, Sir, that it is a matter which will have to be gone into very much more fully than is possible at this stage. Anyhow, Sir, as an amendment to my amendment, I should not like to accept it.”

Mr. Walker's amendment was then put and lost.

(Clause 2 (j)).

MR. H. S. TOWN:—“Sir, I move the following amendment:

‘In line 2, after the word “goods” insert the words “other than goods the sale or purchase of which is exempt from taxation under this Act”.’

“Sir, the reason for this is the peculiar machinery adopted under this Act for the exemption from taxation. It seems to me that if certain goods are not liable to be taxed, that is to say, goods exempted under section 4, there is no need for those goods to be included in the turnover. As the Act stands at present, it means that a man has got to keep a record of all the goods he sells, a record of the sales of even the goods which are not liable to be taxed at all. This will be putting on the dealer a large amount of work which is of no use to him and of no use to the Government. I suggest that the addition of the words will not damage the Act and will not damage the Government in any way. It will just be a little blessing to the poor taxpayer under this Act. I therefore move, Sir.”

MR. W. K. M. LANGLEY:—“I second the amendment.”

THE HON. SRI C. RAJAGOPALACHARIAR:—“Sir, I am myself moving an amendment to exclude one large class of people, namely, those dealing in agricultural and horticultural produce,

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I am not quite sure whether I have caught Mr. Town's explanation of his amendment. Does he mean that if this definition is altered as he wants it to be altered, it would save a dealer from including in his returns things which are really exempted?"

MR. H. S. TOWN:—"Yes, that is so."

THE HON. SRI C. RAJAGOPALACHARIAR:—"If that is all that is sought to be brought about by this amendment, I wish to explain, Sir, that it would not be right to accept it. We cannot really judge an exemption unless we know the details about that exemption. It is very often necessary to get a proper account of the exempted articles in order that the exemptions may be correctly made. Otherwise it would be merely the judgment of the dealer that we will have to depend upon. If a dealer was asked why he did not include certain items, he might say that he thought that those items would be exempted and that it was a *bona fide* mistake on his part in not having included those items. Executively therefore, I cannot accept it. I admit the reasonableness of a general provision in the rules by which large groups of things could be omitted as a matter of fact."

The amendment was put and lost.

THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I beg to move the following amendment:—

'After the words "valuable consideration" insert the words "provided that the proceeds of the sale by a person of agricultural or horticultural produce grown by himself or grown on any land in which he has an interest whether as owner, usufructuary mortgagee, tenant or otherwise, shall be excluded from his turnover;".'"

MR. G. H. HODGSON:—"Sir, I beg to move the following amendment to the amendment now moved by the Hon. p.m. Premier:—

'After "tenant or otherwise," insert "and the proceeds of the sale by a manufacturer of goods manufactured by him."

Sir, this is in line with the principle which my constituents have put forward at every stage since this Bill was first published. We included it in a memorandum to the Government and we included it in evidence before the Select Committee; the principle being of course that the industry of a country should receive every possible protection from the Government of that country. Sir, yesterday, the Hon. the Revenue Minister made a powerful speech which went a very long way to support the amendment I am now putting before the House. He said that the industries of this Province should be protected and if I heard him correctly, he finished by saying that if he had his own way, this Province

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would be made self-sufficient in two days. Well, Sir, as regards the industries of this Province where there is effective outside competition, it is going to be impossible for those industries to pass this tax on. I do not think I need labour the point. Whether the competition is by sea from outside or from other Provinces, the industrialists of this Province will have to bear the tax imposed.

"Now, Sir, I am told this tax is one pie in the rupee. It is not 8 per cent as in Canada. But the Canadian tax is imposed inside a customs barrier and it is quite different from this general turnover tax to be levied in this Province. I have made an estimate; it is not an exact figure; but as a general rule it may be taken that an industry with a capital of one lakh of rupees sells approximately two lakhs worth of goods. That means that the $\frac{1}{2}$ per cent tax will amount to 1 per cent on the capital of the company. That is not a small thing; an industry in a neighbouring State might add this amount to the capital, whereas manufactured goods in this Province are subject to this tax, even when the company is making no profits at all. It must be remembered that any industry goes through varying periods—short or long—when it makes no profits at all. In that case this tax will have a very bad effect, for it will be a levy on capital. If this goes on for two, three or four years, it will be 3 or 4 per cent tax on the capital employed in the industries of the Province. It is also going to bear very hardly on new companies floated in this Province, because it must be conceded that a new company often works on for two or three years making no profits at all. At the end of that period it will have paid 2, 3 or 4 per cent of its capital by way of this tax; whereas a new company in a neighbouring Province or State will have that money available for dividends.

"Sir, I am not going to tread on dangerous ground, and I am certainly not going to indulge in legal arguments with the wealth of legal talent present in the House. But, Sir, the Hon. the Premier read from a very interesting article from the *Commerce* yesterday and now I would just like to read this sentence: 'The Provincial Governments cannot levy the Commodities Sales Tax at the manufacturing stage. It is still a question whether a turnover tax can be levied at the manufacturing stage.' It seems to me therefore that the whole of this Bill may be jeopardized, if this amendment is not accepted. Sir, I move."

MR. G. E. WALKER:—"I second the amendment."

MR. SPEAKER:—"The question is this: 'after "tenant or otherwise" in the amendment moved by the Hon. the Prime Minister, insert "and the proceeds of the sale by a manufacturer of goods manufactured by him"'"

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* THE HON. SRI C. RAJAGOPALACHARIAR:—"Mr. Hodgson's amendment amounts to this: that manufacturers should be exempted for the goods that they manufacture as agriculturists are exempted for the goods they produce or grow. Attention is being drawn by this amendment to the importance of encouraging the manufacture of goods in this country and that it is better to save them from this tax, as we save agriculturists from tax on the produce they raise. Hon. Members are aware of the fact that we have been opposing even amendments to the effect that co-operative societies may be exempted from this tax. Whatever may be said on the other side and with due deference to what is said on the other side, we consider that the tax we levy is a small tax. The idea is that this should be an addition to the cost of production of every article in the country. We have exempted only those products on which a very heavy tax has already been paid. It is on that principle that the agriculturist is not asked to pay over again. If manufacturers pay any duty to this Government on commodities they manufacture, I shall at once jump at the proposition and save them from this half a per cent tax"

MR. G. H. HODGSON:—"Will the Hon. the Premier exempt sugar which pays Rs. 14 per ton excise duty?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"As soon as sugar pays the tax to us. For instance we do not exempt articles on which import duties have been paid at the Custom House to the Central Government. We do not exempt articles such as salt, for instance, on which probably 100 per cent, if not more, tax has been levied by the Central Government. Therefore we have definitely followed a principle: it is only where commodities have already paid heavy taxes to this Government—agricultural commodities, motor-spirit, tobacco and other articles—that they have been excluded from this tax. Liquor, for instance, which we have been taxing all through, is exempt from this tax. But manufactured products do not fall under that class. Though the tax is there, we think it is only a quantitative insignificance. But arguments have been put forward that the tax is not insignificant. It is really quite insignificant. Yet it is stated that it is not light enough to be borne at all. It is not right to say that dividends will suffer; it is not right to say that the management will suffer. If people want the goods dealt with by the manufacturers, they will surely be forced to pay the price fixed by the manufacturers. If a man does not like jaggery but wants sugar, he will have to pay for the sugar manufactured and distributed throughout the country. This is the only reason why I am not able to accept this important extension of the scheme of exemptions under this Bill, which Mr. Hodgson wants us to undertake. As regards my own amendment, I have said enough already."

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"Mr. Speaker, I think you are putting the two amendments one by one."

Mr. Hodgson's amendment was put and lost.

The amendment of the Hon. the Premier was put and carried.

Explanation to clause 2 (j).

MR. G. H. HODGSON:—"I move—

‘Omit the words “Subject to such conditions and restrictions, if any, as may be prescribed in this behalf”.’

This clause 2 (j) is the kernel of the whole Bill and to that kernel an explanation is attached which, in my opinion, should itself be a full explanation. But that explanation is qualified as follows: ‘Subject to such conditions and restrictions, if any, as may be prescribed in this behalf.’ This explanation to the kernel of the whole Bill is thus left completely uncertain so far as the taxpayer is concerned. There is no possible security to the taxpayer, if it is open to the Government to apply the provisions of this explanation subject to their own conditions. Therefore I move that these words be omitted from the explanation.”

MR. G. E. WALKER:—"I second the amendment."

THE HON. SRI C. RAJAGOPALACHARIAR:—"It is true, Sir, as Mr. Hodgson said, that the definition of 'turnover' is the kernel of the Bill. But those words that he seeks to remove are words attached to the exemptions that are provided for in the turnover under the explanation; the exemptions being first of all exemptions in favour of services rendered in connexion with goods transferred, cash discounts paid, etc. That is to say, if a man sells an article for Rs. 9 instead of Rs. 10, the tax will have to be paid on Rs. 9 only. Whereas, if a shopkeeper gets accommodation from a neighbouring shopkeeper, both of them can claim the exemption. Therefore these exemptions should certainly be subject to such rules and restrictions as may be prescribed, so as to ensure the bona fides of the claim for exemption. It is only to limit the exemptions to be made to bona fide claims coming within the spirit of these exemptions, that these words are introduced in the beginning of the explanation. I do not think, Sir, there is any uncertainty about the object of the exemptions or the clarity with which the exemptions have been defined; but it is only to avoid possible misapplication or wrong claims for exemptions that this clause has been introduced. As regards the rules that will be prescribed in this behalf, it is not as if in each case the discretion of the Government will be used; the rules will be published and the people will know

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what they will have to do. For instance, let me give an example. Take exemption (iii). If a man takes over a few articles, screws from the neighbouring shop and completes his customers' demands, he will have to enter the transaction in his books at the time he takes them; and it should be entered in the books as to from whom they were taken, etc., so that he cannot later on say that he did not go to the other man's shop or the latter cannot say that they were not taken from his shop, etc. These are the conditions and restrictions that are likely to be laid down. Then again, as regards cash discount, it ought to be mentioned in the books that the discount was given. On this assurance, Sir, I hope that Mr. Hodgson will not press for the removal of an essential clause in cases where exemptions are to be given."

MR. SPEAKER:—"Shall I now put the amendment to vote?"

MR. G. H. HODGSON:—"I withdraw the amendment."

The amendment was, by leave, withdrawn.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I have given notice of an amendment similar to that given by Mr. Bhaktavatsalu Nayudu, viz.—

'In line 1 of Explanation (i) of clause 2 (j), omit the words "bought or".'

"These words are inconsistent here. It is only an exemption for services rendered, and they cannot possibly be rendered by the person who buys. That is why I am moving this amendment, Sir."

The amendment was put and carried.

* H. S. HUSSAIN SAHIB BAHADUR:—"Sir, I move—

'that in line 3 of item (ii) of the Explanation, for the word "article," substitute the word "goods".'

"Sir, in item (ii), it is stated 'any cash or other discount on the price allowed in respect of any sale and any amount refunded in respect of articles returned by customers shall not be included in the turnover.' Sir, the definitions of 'sale,' 'turnover' and 'dealer' refer only to goods. The definition of goods includes articles also. What I say is that it must be not only in respect of articles returned but also in respect of other commodities and materials that are included in the definition of 'goods'"

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MR. SPEAKER:—" You want to have the general term ' goods ' instead of the word ' article '?"

H. S. HUSSAIN SAHIB BAHADUR:—" Yes. In the definition of ' goods,' ' article ' is included. You restrict yourself here only to articles; therefore, I say that the word ' goods ' should be substituted. I move my amendment accordingly and hope it will be accepted."

V. S. T. SHAIK MANSOOR THARAGANAR SAHIB BAHADUR:—" I second it."

THE HON. SRI C. RAJAGOPALACHARIAR:—" I do not know, Sir, exactly whether the intention behind this very insignificant-looking amendment is more than what I have understood. Sir, we were thinking in this exemption only of the case where a customer takes a certain thing but does not approve of it and returns it; in other words, where the article is purchased subject to approval, so to say. But where, for instance, a man buys twenty bales of cotton and goes to Tiruppur and there finds that some other arrangement is possible, and so returns those twenty bales of cotton back on a subsequent date, it is not intended that every such sale should be covered by a simple provision like this which relates to sale ' subject to approval.' Since the exemption is intended for the very limited number of cases where articles in retail sales are returned, I submit it will be dangerous to accept the term ' goods ' which is far too comprehensive and perhaps will throw doubts on the question of re-sale which perhaps may or may not come under the exemption clause."

The amendment was put and lost.

ABDUL HAMEED KHAN SAHIB BAHADUR:—" I move, Sir—

**In item (iii), omit the word "immediately" in the third line.*

" It is only a verbal change that I seek to make by this amendment. After all, the word 'immediately' is not a very important word in the provisions of the Bill, and it does not alter its character. I know that where a dealer obtains the goods from a neighbouring dealer for the purpose of disposing of it, he does not effect a purchase. If the word 'immediately' is there, it would involve the merchant who borrows the goods in some difficulty, because it would mean that it has to be taken to the turnover account. It is just possible that he may take a day or two days or even three days to decide. It happens in trade that for purposes of sale of an article which is not found in a particular shop, the dealer has to take it from a neighbouring shop to show it to the customer. If the customer is not satisfied with it at the moment, the article may be returned on the following day or

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even on the third day. If the word 'immediately' is retained here, the possibility of the purchaser coming back with the article on the following day or the third day cannot be contemplated. Therefore, Sir, the word 'immediately' would cause mischief to that extent. In order to make the obtaining of goods by dealers for the purpose of sale—and not *buying* of goods for purposes of sale—possible for a longer period than a day or two days, I think the word 'immediately' should be deleted and that merchant should not be put to the trouble of having to count even those articles which do not belong to them but belong to others, as articles in respect of which sales have taken place immediately."

* SRI T. T. KRISHNAMACHARIAR:—"In seconding this motion moved by the hon. Member representing the Muslims of Madras City, I would try to clarify the point raised. It is quite likely that the Hon. the Leader of the House sees a snag in this amendment and it might determine his attitude with regard to this amendment. The point really is this: a vital concession has been given to the dealers by this exemption. Nobody recognizes it better than I do. At the same time, this word 'immediately' tends to restrict that concession given; this is, as it were, taking away with one hand what is given with the other by putting a narrow and vague time-limit which can be ordinarily misinterpreted by the officers who are going to administer this Act. The Government are not altogether surrendering their right to fix the time if they now agree to take away the word 'immediately' from this clause. This point was made clear by the Hon. the Premier himself with regard to a previous amendment to omit the words 'subject to such conditions and restrictions, if any, as may be prescribed in this behalf.' All these explanations are to be governed by those restrictions and conditions which may be prescribed.

"In regard to the manner in which this concession should be administered, the rules will make it perfectly clear. The rules may say that six hours should not elapse from the time the article is bought from a dealer and sold to another; or it may be 18 hours or 24 hours or even three days, as my hon. Friend the mover of the amendment put it. But what I say is: you determine the time by means of your power to prescribe the rules. Even if the clause stands as it is, you must necessarily amplify this provision; but do not take away with one hand what you have given with the other. Do not restrict unduly and vaguely a valuable concession. You are really doing nobody any good by insisting on the retention of this word 'immediately' here. This is a point which should have been made clear in the Select Committee itself; and I do not know how this escaped the attention of the members of the Committee. If the Hon. Premier sees a snag in this amendment, the Government have ample provision for altering this

[Sri T. T. Krishnamachariar] [10th May 1939]

explanation in whatever manner they like, and nothing is lost by accepting this amendment. It is really innocuous. I think the intention of the mover is not that the Government should be put to any difficulty. As a matter of fact, most of us here are very much interested, notwithstanding our views on this Bill; and whatever might be the nature of this Bill, we should all co-operate with the Government in order to avoid any evasion from this tax in the future. I would not be a party to any amendment which seeks to provide a loophole. I therefore respectfully commend this amendment to the Hon. the Leader of the House."

* KHAN BAIADUR P. KHALIF-UL-LAH SAHIB BAIADUR:—"In supporting this amendment, I have got only one word to say, viz., that my hon. Friend the Advocate-General and the Hon. the Premier will both admit, I trust, that the word 'immediately' is certainly not a word which is capable of any definite meaning. Therefore, it is better, in passing a legislation such as this, to avoid such words which are not capable of any definite meaning. If such words are used, it will be giving cause for abundant mischief in the actual administration of the Act. It is therefore very necessary that such mischief should be avoided, and the use of such words should be avoided."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I am particularly grateful to the hon. Member Mr. Khalif-ul-lah Sahib because he has really clarified my mind in this respect by his explanation. The word 'immediately' is there not to define any particular period of time, but to explain what 'accommodating' means. For 'accommodating' a particular customer, a dealer obtains goods from another dealer and disposes of the same. Now, if it stood by itself without the word 'immediately,' this might even mislead people to expect that wholesale agency transactions would be covered by this transfer. It is to avoid such possibility of disappointment that this word is put in. When in the rules we put down conditions, there would be a certain amount of disappointment if we removed the word 'immediately' as a result of the amendment now and then introduced it later on in the rules. Having put it in here, I would rather prefer that the word remains, especially because, as Mr. Khalif-ul-lah Sahib has explained, 'immediately' does not mean so many minutes or so many hours; it will be really understood in the substantial sense as not having any other purpose than 'accommodation.' I do not think, Sir, there is any necessity, or that it would even be an improvement, to omit the word 'immediately.' At the same time, I admit that if we do omit the word 'immediately,' it would not matter much. But having put it in, why create difficulty by this amendment?"

The amendment was put and lost.

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New item (iv) under the Explanation to clause 2 (j).

* MR. G. H. HODGSON:—"Sir, I beg to move—

'Insert the following as item (iv) of the Explanation to clause 2 (j):—

"(iv) the amount of any bad debt incurred by a dealer shall not be included in his turnover, provided that when any debt which has been written off as bad or any part thereof is subsequently recovered by a dealer, such part thereof as is recovered shall be included in the dealer's turnover in the year of recovery".'

Sir, I was rather surprised to find that this provision does not appear either in the original Bill or in the Select Committee's Report or in the Government amendments, because it seems to be no more than plain justice that a dealer should be allowed to deduct bad debts from his turnover. For a bad debt can in no sense be considered part of his turnover; at any rate, a bad debt should not be taxable under this Bill. Credit is given by dealers in good faith and it is not right to turn round afterwards and say, 'It serves you right and you must pay a tax on a sum which you will never receive.' As I said, the Bill does not intend to levy a tax on sales, but on turnover; and in what respects a bad debt can be called a turnover, I do not know. I would like to remind the Hon. the Prime Minister that I withdrew my motion just now and have left him power to apply such conditions and restrictions as may be prescribed; that applies to this Explanation No. (iv) also. I would ask him, therefore, to accept my amendment for excluding bad debts and to apply all the conditions and restrictions which he may feel inclined to apply afterwards. With these words I move my amendment, Sir."

MR. D. M. REID:—"I second it, Sir."

* SRI G. KRISHNA RAO:—"On a point of order, Sir. May I ask how when clause (j) has been accepted, this amendment can be moved, because clause (j) itself deals with turnover whether for cash or on deferred payment. Deferred payment means the amount of money that is entered in books which is not realized. When such is the case, I do not know how this amendment can be moved now. I may be enlightened, Sir."

KUMARARAJA MUTHIAH CHETTIYAR of CHETTINAD:—"Sir, I, as a businessman, know what a deferred payment is and what a bad debt is. Bad debt is a long way off from deferred payment. Deferred payment means that when an article is sold to a person, he need not pay the amount immediately, and in most cases goods are given in good faith and payment is expected in good faith and in the hope that the money will be returned in full in proper time. It is one thing not to tax such things and another thing to say that the Government will consider the question of giving a rebate later on when it is known that the

[Kumararaja Muthiah Chettiar of Chettinad] [10th May 1939]
 money is not realized. The two things are quite different in principle and I am sure my hon. Friend Mr. Krishna Rao will understand that these two are two distinct principles."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I think, Sir, the point of order raised is good to a certain extent. If we really understand Mr. Hodgson's proposal it comes to this, that the bad debt should be excluded. When? It is to be excluded at the time and during the year of the sale. Otherwise, it won't be a question of not including it in the turnover. If it is decided immediately that it is a bad debt, that is to say, the vendor himself has decided it is a bad debt, straightforwardly it is not to be included in the turnover. Now, if Mr. Hodgson had proposed that anything that is proved to be a bad debt shall be deducted from the turnover of that year, then I can understand it would be in order. As it is, I think he means that it should be deducted even from the first . . ."

MR H. G. HODGSON:—"Well, Sir, I would accept the explanation of the Hon. the Premier."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"If the amendment is accepted in the form in which it is put, another difficulty would arise. It should not be thought that there is no statutory provision as to how and when it should be treated as bad debt. That is to say, he means that a rule should be made to provide for such deductions. It would be a very difficult thing on the whole. I think if a dealer thinks it worth while to sell, he must also think it worth while to pay this tax. Just as he won't get a return from the railway company for freight on a portion of the article or from the post office for the postage on that article, he will have to pay this half per cent also. It will on the whole induce people not to run risks with credit transactions."

* THE HON. MR YAKUB HASAN:—"Sir, even when a sale is made on deferred payment, the sale is made and the obligation for the payment of the value becomes a money debt. If a man does not pay his debt, then that is a separate matter altogether, but the sale has not been cancelled at all. The sale has been made and the goods transferred from one man to another; and if that man has not paid the debt, it does not mean that the sale of the goods was not made. The sale was there. He trusted that man and gave him credit. It becomes a money debt altogether and its non-recovery has nothing to do with the turnover. Turnover was quite correctly recorded. If the man has not discharged his money debt, it makes no change whatever and there should be no deduction from the turnover."

* MR. H. S. TOWN:—"Sir, the Hon. the Premier has some difficulty apparently, of knowing when a debt is bad. The average

[Mr. H. S. Town]

re in this House. We are businessmen with and business knowledge and we have to deal ave not that knowledge. Now, the Government their own mind as to when a sale takes place out of India in fixing the income that is tax-ir in their own mind, as to when a debt became when a man is unable to recover his debt, it is hould be written out of his income. Now, Sir, nier has suggested that we should give up sales t we should sell for cash. The biggest buyers 'residency and in India are the Provincial Gov- Central Government and they are notoriously are notorious for knocking off the odd pies and you check their figures they have knocked off ly. There is no reason why a man should be hat he does not receive. He has given those ips by mistake, but he has not sold those goods isitates a payment. I want to get right into hen a man parts with his goods he has not a sale. I submit it is only right that when t, the seller should be let off and no tax should e sum he has not received, because it does not turnover. In fact, there is no turnover if you ng. If money does not come in, then it is not trader should not be taxed on it. I therefore dment, Sir."

MANSOOR THARAGANAR SAHIB BAHDUR:—
“ஏ அவர்களே, வியாபாரிகள் கடனுக்கு விற்று முதல் திரும்பிக்கிடைக்காமல் போய்விடால் அதனால் வியாபாரி நஷ்டமடைந்துவிடுகிறார்கள் அப்படி நஷ்டமடைந்த ரி விதிக்கும் தொகையிலிருந்து வரியைக் கழித்துக் நம்கடமையாக இருக்கிறது. கடன் தொகையைக்கழித்து ரறு முதலுக்கு வரி விதிக்கும்படி வேண்டிக்கொள்ளுகியிவராத கடன்களைக் கழித்துக் கொள்கையாகக் கொள்ளுமதல் விற்று முதல் தொகைக்கு வரி விதித் தல் கடனுக்கு விற்று வியாபாரிகள் தங்களுக்கு வந்து க்கும் வரி கொடுக்கவேண்டிவருமாதலால் நஷ்டத்துப் பைதை மேன்மை தங்கிய முதல் மந்திரியாவாவர்களுக் கர்களுக்கும் தெரிவித்துக்கொள்ளுகிறேன். ஆகையால் கடனைக் கழித்து மீதித்தொகைக்கும்படிம் வரி விதிக்க வேண்டிக்கொள்ளுகிறேன்.”

BRAHIM SAHIB BAHDUR:—“அக்கிராசனதீபத்தியவர் மந்திரியாவர்கள், ‘எந்தக்காலத்தில் இது தள்ளிகரு சொன்னார்கள். ஆனால் வியாபாரிகளெல்லாம் தறகாக இருக்கிறார்களே யல்லாமல் பொய்க் கணக்கு வைவே இல்லை. மேலும் வருஷாந்தரம் ஒவ்வொரு ஜனக்குப்பார்த்தே வருகிறார்கள். ஸாபமின்னது நஷ்ட வரக்கூடிய கணக்கு இன்னது வரக்கூடாத கணக்கு

[D] S Sayeed Ibrahim Sahib Bahadur | 10th May 1939

The amendment was put and declared lost and on a poll being demanded, the bells were rung.

MR. SPEAKER:—"Hon. Members will please occupy the seats allotted to them."

* THE HON. SRI C. RAJAGOPALACHARIAR.—“ In fact I was going to ask you, Sir, to permit me to state why I could not accept the amendment; but at any rate the question may be put, Sir.”

MR. SPEAKER:—"I thought that the Hon. the Premier did not consider it necessary to rise. However, I shall put the question a second time after the Premier's reply."

THE HON. SRI C. RAJAGOPALACHARIAR:—“ I feel that the Tamil speech requires a reply. The hon. Member started with a very grave charge, namely, that this tax is simply put on to ruin the traders, and he developed the point further by saying that we really did not know business affairs and that, therefore, we were going on like this. It is due to me to say that I am neither so ignorant nor malevolent as the hon. Member sought to make out. I do not think that any debt can be called a bad debt in the year the goods are sold or in the next year or even in the next year after that. How far are we to wait to deal with the provision of this Act fixing the turnover? How many years shall we have to wait for saying which is a bad debt and which is not? Therefore, the amendment comes to this that they want an actual transfer of money from the Government to the

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businessman when ultimately the thing is put down as bad debt. It is true that first-class firms which are represented by some of the hon. Members who have spoken previously might have correct books and there may be an audit of their accounts and they might have a list of bad debts. But the point is that a provision of this sort would apply to all dealers as defined under the Act and every retail dealer, whether he keeps correct accounts or employs auditors or not, will claim that a certain item should be excluded from the turnover on account of its being a bad debt. I fear it is not workable. Therefore, what hon. Members should press for should be in connexion with the fixation of the dates in consideration of these difficulties. This is not the way to make a complaint. It is not by introducing an amendment of this kind that we can deal with the normal difficulties of business. I, therefore, have to say that this amendment may be accepted by an unbusinesslike Government but not by a businesslike Government."

MR. SPEAKER:—"I shall now put the question—

· Insert the following as item (iv) of the explanation:—
 " (iv) the amount of any bad debt incurred by a dealer shall not be included in his turnover, provided that when any debt which has been written off as bad or any part thereof is subsequently recovered by a dealer, such part thereof as is recovered shall be included in the dealer's turnover in the year of recovery " . "

The amendment was put and declared lost, and a poll was demanded.

MR. SPEAKER:—"I suppose the House is ready for a division and all hon. Members are in the seats allotted to them."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of order, Sir, I submit that the division could not proceed without the bells being rung."

MR. SPEAKER:—"If the hon. Member wants to have the pleasure of hearing the bells, he shall have it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Very often . . ."

MR. SPEAKER:—"It is not necessary. If you want the music of the bells ringing for two minutes, the bells shall be rung. I will not deny that pleasure to the hon. Member."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"It is necessary, Sir, because . . ."

MR. SPEAKER:—"I think it is not necessary but it shall be rung because the hon. Member wants it. In fact, the bells are ringing."

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ABDUL HAMEED KHAN SAHIB BAHADUR :-- "I do not want any personal concessions."

A poll was taken and the House divided thus:

Ayes.

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| 1 Kumaranaja M. A. Muhammed | 13 A. K. Kader Kutti Sahib Bahadur |
| Chettiar of Chettinad. | 14 Muhammed Rahmatullah Sahib Bahadur. |
| 2 Khan Bahadur Muhammed Schamad | 15 V. S. T. Shaik Mansoor Thanangamal |
| Sahib Bahadur. | Sahib Bahadur. |
| 3 Adem oham Jannatlar. | 16 S. K. Shaik Rowther Sahib Bahadur. |
| 4 Sri Diwan Bahadur A. Appadarai | 17 D. Salved Ibrahim Sahib Bahadur |
| Pillai. | 18 Mahboob Ali Baig Sahib Bahadur. |
| 5 Khan Bahadur P. M. Attakoya | 19 M. Ahmed Bacha Sahib Bahadur |
| Thangal Sahib Bahadur. | 20 Mr. W. K. M. Langley. |
| 6 Sri B. Baaktivatsalu Na udu | 21 " G. H. Hodgson. |
| 7 S. Ghose Mohid en Sahib Bahadur. | 22 " D. M. Reid. |
| 8 Akram Ali Sahib Bahadur. | 23 " G. E. Walker. |
| 9 Sri Grand Ali Venkata Reddi. | 24 " H. S. Town. |
| 10 Ab u'l Hameed Khan Sahib Bahadur. | 25 " R. M. Palat. |
| 11. K. Abdur Rahman Khan Sahib Bahadur. | 26 Khan Bahadur Khatif-ul-Jah Sahib Bahadur. |
| 12 H. S. Hussain Sahib Bahadur | |

Noes.

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| 1 The Hon. Sri C. Rajagopalachariar | 35 Sri H. Sita Rama Reddyiar. |
| 2 Th. Hon. Sri T. Prakasam. | 36 " B. T. Se hadriachariar. |
| 3 The Hon. Mr. Yakub Hasan. | 37 " K. Shanmugham. |
| 4 Sri A. Kal swara Rao. | 38 " L. Sattanati a Kalayalar. |
| 5 " T. Viwanatham. | 39 " V. J. Samu Pillai. |
| 6 " K. P. Yegn swara Sarma | 40 " K. Saktivadivelu Gounder. |
| 7 " V. V. nkatasubbayya. | 41 " N. Ranga Reddi. |
| 8 " R. Venkata ubbi Reddiyar. | 42 " A. Rani Reddi. |
| 9 " P. Venkatarama Ayyar | 43 " K. S. Rainaswami Gounder. |
| 10 " K. Venkattappayya. | 44 " D. V. Ramaswami. |
| 11 " R. Venkattappa Nayudu. | 45 " A. Ramalingam. |
| 12 " B. V nkataswamy Reddi | 46 " R. B. Ramakrishna Raju. |
| 13 " P. T. Venkata hori | 47 " A. K. A. Ramachandra Reddi |
| 14 " B. V nkatacl alam Pillai. | 48 " R. Raghava Menon. |
| 15 " V nkata Reddi, Goparam. | 49 " B. Perumalla Nayudu. |
| 16 Th. Hon. Sri V. I. Muniswami Pillai. | 50 " M. P. Periy swami. |
| 17 Th. Hon. Sri V. V. Giri. | 51 " P. Fedda Padalu |
| 18 Ahmed Tambi Muhammed Mohideen Maracair Sahib Bahadur. | 52 " C. R. Parthasarathi Ayyangar. |
| 19 Sri A. B. Shetty. | 53 " M. Pallam Raju |
| 20 " N. S. Varadarachari. | 54 " M. G. Nut sa Chettiyar. |
| 21 " K. Varadachariar. | 55 " D. Narayana Raju. |
| 22 " P. Syamasundara Rao. | 56 " V. V. Narasimham. |
| 23 " K. V. R. Swami. | 57 " C. Narasimham. |
| 24 " C. P. Subbiah Murdaliyar. | 58 " P. L. Narasimha Raj. |
| 25 " P. Subbiah. | 59 " D. L. Narasimha Raju. |
| 26 " K. Subba Rao. | 60 " S. Negiab. |
| 27 " M. Subba Rao. | 61 " N. Nagaraja Ayyangar. |
| 28 " P. S. Srinivasa Ayyar | 62 " S. Nagappa. |
| 29 " D. S. Prasal. | 63 " K. A. Nachiappa Gounder. |
| 30 Th. Hon. Sri S. Ramanathan. | 64 " M. Marimihu. |
| 31 Haji P. I. Kunhammad Kutty Sahib Bahadur. | 65 " P. Madhavan. |
| 32 Th. Hon. Sri C. J. Varkey. | 66 Swami A. S. Salajanandam. |
| 33 Sri M. Bapineedu. | 67 Srimathi K. Lakshmi Ammal. |
| 34 " M. Bhaktavatsalam. | 68 " V. Lakshmi Ammal. |
| | 69 Sri P. Lakshmanaswami. |

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Noes—cont.

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| 70 Sri C. Venkata Reddi. | 88 Sri C. K. Govindan Nayar. |
| 71 Srimathi A. V. Kuttimalu Amma. | 89 „ D. Govinda Doss. |
| 72 Sri V. Kumneyya. | 90 „ A. R. A. S. Doraiswami Nadar. |
| 73 „ K. Kuppuswami Ayyar. | 91 „ M. Dorajkannu. |
| 74 „ P. S. Kumaraswami Raja. | 92 „ M. P. Damodaram. |
| 75 „ K. Kulasekaran. | 93 „ T. S. Chokkalingam Pillai. |
| 76 „ L. Krishnaswami Bharathi. | 94 „ P. Chunnamuthu. |
| 77 „ S. Krishnan. | 95 „ O. Chengam Pillai. |
| 78 „ K. Koti R. ddi. | 96 „ K. Chandramouli. |
| 79 „ K. Kolandavelu Nayananar. | 97 Dr. A. Chandoo. |
| 80 „ A. Kairunakara Menon. | 98 Sri V. Bhuvarahan. |
| 81 „ K. R. Karant. | 99 „ Y. V. A. Bhaskara Rao Maha- sayo. |
| 82 „ E. Kannan. | 100 „ Muthu Kr. Ar. Kr. Arunacha- lam Chettiar. |
| 83 „ K. Kamaraja Nadar. | 101 „ B. Anantachar. |
| 84 „ Jebamoney Masilamoney. | 102 Srimathi G Ammannraja. |
| 85 „ K. Ishwara | |
| 86 „ S. Guruvulu. | |
| 87 „ V. J. Gupa. | |

Neutrals.

1 Bashir Ahmed Sayeed Sahib Bahadur.
 2 Sri T. T. Krishnamachariar.
 3 „ G. Krishna Rao.

Ayes 26. Noes 102. Neutrals 3

The amendment was lost.

Clause 2.

THE HON. SRI C. RAJAGOPALACHARIAR:—“ I move the following verbal amendment standing in my name:—

‘ Reletter the sub-clauses in the alphabetical order ’.”

The amendment was put and carried.

Clause 2 as amended was put and carried.

Clause 3.

MR. SPEAKER:—“ With regard to clause (3), there are 6-15 numerous amendments. I consider it better that one Member who p.m. has given notice of a large number of amendments moves all the amendments and other Members also move their amendments; there will be a general discussion, instead of our taking up amendment after amendment, as there will be no time for all Members to speak. Is it convenient to the Opposition? ”

Some Members of the Opposition:—“ Yes.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ May I make a submission, Sir? Even under this clause, there are various categories of amendments. If you divide them into groups, they can be taken up group after group.”

MR. SPEAKER:—“ In that case we shall take amendment after amendment. But that will not give opportunities for all members to speak.”

* SRI G. KRISHNA RAO:—“ May I submit, Sir, that this clause is the central and principal clause of the Bill? It is the operative clause and most of us have given amendments under this

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clause. Some of them are to fix the amount of turnover to be taxed; some refer to the reduction of the rate of tax. And I think all of us are agreed that some reduction of rate should be given; and the difference is only in the degree of rate."

MR. SPEAKER :-- "That is why I suggest that all the amendments may be moved together that appear in the list against one member, and others also may move their amendments, and there will be a general discussion. It will be convenient for the Members of the Opposition as well as for the Treasury Bench to deal with the whole matter."

ABDUL HAMEED KHAN SAHEB BAHADUR :-- "I submit, Sir, I have a difficulty in accepting the suggestion. I have given notice of alternative amendments. I have said if one-eighth per cent is not accepted, one-fourth per cent may be accepted. So, I cannot move both the amendments at one stage."

MR. SPEAKER :-- "You may say, 'If this amendment is lost, I will move the other amendment,' and people may have a general discussion upon the advantages of the one-eighth per cent, one-fourth per cent and so on, and the amendments will be put to vote separately."

MR. H. S. TOWN :-- "I agree."

KUMARARAJA MUTHIAH CHETTYAR of CHETTINAD :-- "Sir, I only wish to draw your attention to two main amendments that are contained in this group of amendments. You will realize that the discussion on the amendments relating to the limit will be different from that on the amendments relating to the rate. The arguments that will be put forth on the floor of the House with regard to exemptions and raising the limit from 15,000 to 20,000 rupees will be different. So also with regard to one-eighth per cent and one-fourth per cent. Therefore, I would suggest that you take the amendments as they are in the agenda. Surely, I will say, no member will repeat arguments."

MR. SPEAKER :-- "It is not a question of repetition of arguments. There will be a great handicap for hon. Members in speaking upon various amendments. If all the amendments are moved, there can be a general discussion on this principal and operative clause of the Bill."

KUMARARAJA MUTHIAH CHETTYAR of CHETTINAD :-- "I submit, Sir, that even the chief amendments suggested are of such a nature that a general discussion is not possible, as each one of them is a natural corollary of the other. Therefore, it is necessary that the ordinary procedure should be adopted so far as the detailed discussion of this particular clause is concerned. I can assure you, Sir, of one thing, and that is that nobody will repeat arguments."

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MR. SPEAKER:—"There has been much repetition on this Bill already. Still it was tolerated, as I did not want to shut out any hon. Member. The same thing will happen now; and the discussion will lose its pointedness. If the Leader of the Opposition thinks it is advantageous to the Opposition, I have no objection."

KOMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I think it is advantageous to discuss amendment by amendment."

MR. SPEAKER:—"I think it is not advantageous to do so."

KOMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"In my own humble view, I say so, Sir."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I submit there are three categories of amendments. One category is with reference to the limit of turnover; the second category is with regard to the rates in the slab, whether the slab should be there or not; and the third is with regard to the percentage of the tax."

MR. SPEAKER:—"I say that all the categories may be moved together, and they will be all put to vote one after another."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"As I submitted before, there are alternative amendments. If the limit of one-eighth per cent is not accepted, then I intend moving one-fourth per cent; and my arguments for one-fourth per cent will be different, if I know that one-eighth per cent will not be accepted. But if I am to move one-eighth per cent and one-fourth per cent side by side, my arguments for both will be the same."

MR. SPEAKER:—"Does the hon. Member think he will have much argument after finishing one-eighth per cent for the one-fourth per cent?"

ABDUL HAMEED KHAN SAHIB BAHADUR:—"The person who speaks will be feeling that he is then arguing a different thing."

THE HON. SRI C. RAJAGOPALACHARIAR:—"After so much examination and discussion, those who are interested in the amendments appear to prefer the ordinary procedure. It is best to let them have the ordinary procedure of discussion."

MR. SPEAKER:—"That will finish the debate speedily. (Laughter.) I can disallow all repetition. There will be no opportunity for several other hon. Members to speak. I will shut down all discussion if it is mere repetition of arguments already advanced."

MR. H. S. TOWN:—"I should be very much upset if I am not expected to move amendment No. 43." (Laughter.)

MR. SPEAKER:—"I shall have to enforce the rule absolutely, and then Mr. Town will be asked to sit down. (Laughter.) That is the difficulty."

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SRI G. KRISHNA RAO :—“ As a matter of fact, Sir, if all of us speak on the general amendments, we ourselves won’t be willing to move the other amendments after we see the way in which amendments are going on.”

MR. SPEAKER :—“ After two or three amendments, the interest will be lost, and any member who is found to repeat arguments will be asked to resume his seat.”

* KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR :—“ The interest is not lost, but killed.” (Opposition laughter.)

MR. SPEAKER :—“ So I think it is better that Mr. Hameed Khan moves all the amendments that stand in his name and makes a general speech.”

ABDUL HAMEED KHAN SAHIB BAHADUR :—“ It is my submission, Sir, that I leave out the amendments on rates for the present; that is, all the other amendments excepting those on the rates can be disposed of first. And then when we come to rates, we can arrange them in the order in which they can be moved.”

MR. SPEAKER :—“ Evidently Mr. Hameed Khan is not prepared for a consolidated speech. So he will move his main amendment, and hon. Members will follow his speech carefully so that they may not repeat his arguments.

“ As none of the members of the panel of Chairmen is present in the House, I move that Sri K. Venkatappayya do take the Chair.”

The motion was agreed to and Sri K. Venkatappayya took the Chair.

Sub-clause (i).

ABDUL HAMEED KHAN SAHIB BAHADUR :—“ Mr. Chairman, I believe that after having dealt with the definitions, which certainly do constitute a very important part of this Bill, we have now come to what may be called the operative section of the Bill. In this Bill, if there is anything which has to be considered after accepting the principle of the measure, it is this clause. This clause, we find, consists of various parts. One of them deals with the exemption of certain class of dealers. Item (a) of clause 3 reads as follows :—

“ (a) If his turnover does not exceed twenty thousand rupees in a year—Five rupees per month ”

“ The amendment that I move, Sir, is—

‘ Omit item (a) under this sub-clause.’

“ My object in removing this item in this sub-clause is to exempt the class of dealers whose turnover at the end of the year does not exceed Rs. 20,000 in a year. Of course, if this amendment is carried there will be another consequential amendment which will

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have to be accepted and that is to delete the proviso which follows. I shall await the result of the voting on this amendment before coming to the proviso. Sir, it would be realized that in the proviso we find that a dealer whose turnover in any year is less than Rs. 10,000 shall not be liable to pay the tax under this sub-section in that year. A class of dealers whose turnover is less than Rs. 10,000 are exempted from this turnover tax, whereas my object in moving this amendment is to exempt even that class of dealers whose turnover comes up to Rs. 20,000. I need not advance many arguments in support of this amendment for it is realized that the class of dealers who will be exempted if the limit is restricted to Rs. 10,000 will be those pan-wallahs and petty dealers whose daily sale does not exceed Rs. 28 or Rs. 30 per day; their number, it would be realized, Sir, is certainly much, not only in the urban areas but more so in the rural areas. After all, who are they, Sir? They are people whose capital is certainly not appreciable. Their capital may not exceed Rs. 50 to Rs. 100. With a capital of Rs. 50 or Rs. 100 and any goods which they get on credit from various wholesalers they are in a position to effect a sale for Rs. 28 to Rs. 30 a day. I do not think this Bill takes into consideration the profit or loss of the poor man and it does not take into consideration the meagre profit which he makes at the end of the day after a turnover of Rs. 28 or Rs. 30 a day. He sells articles from which he does not make more than a pie in a rupee. He deals in a large number of articles on which he gets very meagre profits. There may be a very small percentage of the articles and commodities on which he is able to make 2 pies or 3 pies in the rupee. Therefore, it is realized that the poor man whose turnover is Rs. 28 or even Rs. 30 a day does not make a profit of 4 annas or 8 annas in the course of the day and he is exempted under this proposed Bill.

“ But, I believe, Sir, that even the dealer whose turnover is Rs. 50 or Rs. 55 a day is certainly not a large dealer. He is also a petty dealer who deals in articles of the same character and he also does not make substantial profits although he might be able to sell for Rs. 50 a day, and, as I said in the former case, the commodities in which he deals are of such a character that he is not in a position to make appreciable profits. He also is not a dealer who can start with a large capital of his own; he starts with a very small capital of his own and having started that business he gets credit from wholesale merchants and with that credit he is able to carry on. He belongs to that class of people who for want of any better profession, any better calling, willy nilly take to this business although it is not a very profitable business. If he is called upon to pay a pie in the rupee according to this half-a-per cent or even Rs. 5 a month, that is Rs. 60 per annum, I would like to draw the attention of this House to the iniquity of levying a tax on one who does not possess capital, does not make much profit, but

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has to incur large expenditure in the shape of rent for the shop, lighting and various other items of expenditure which certainly reduce very much the little profit that he is able to make. Therefore, if there is any principle or any purpose in exempting, as originally intended, the class of dealers whose turnover does not exceed Rs. 10,000, I say, Sir, there is a better case for these persons whose turnover does not exceed Rs. 20,000. I accept this Rs. 20,000 because, we accept at present the principle of the Bill which will inevitably become law. All that we can do now is to mitigate the evil effects of this Bill and exempt a certain class of poor merchants, who, according to the Hon. the Premier, are the people who will have to sell their goods, particularly the necessities of life, to the villagers and to the agriculturists. I therefore hope, Sir, that the Hon. the Premier as he himself has argued, will agree that these petty merchants, who are to help the agriculturists to get his necessities of life at advantageous prices should not be burdened with this tax. I propose at least the dealer's point should be exempted.

"Sir, there is the question of maintenance of accounts. I know that even those persons who are exempted will have to maintain certain accounts, because unless they show that their turnover does not exceed Rs. 10,000 or Rs. 20,000, they will not be exempted. But, at the same time, it will be realized that the assessor, whoever is appointed to assess the turnover of a particular class of dealers, will certainly go upon certain ideas of values of the turnover on which he assesses those dealers. Otherwise they will actually have to produce their accounts. There will not be much difference between the dealer whose turnover is Rs. 10,000 and one whose turnover is Rs. 12,000 or Rs. 15,000 so far as the categories of the dealers are concerned. It will be very difficult for the assessor to find out who is actually having a turnover of Rs. 20,000 or Rs. 15,000 or Rs. 10,000. Therefore, it is necessary even in order to make these estimates or to remove the difficulties on the part of the assessor, that we should put all these people who look alike in one category, instead of having the administrative difficulty of having to differentiate one from the other. For all practical purposes they belong to the same category. Therefore, it is much better to put all these people belonging to one and the same category together and exempt them. This is my object. My object is to shift the burden from the small dealer and consequently from the very poor agriculturist who buys his necessities from these petty dealers. I want to remove the burden from the price of the articles which are very necessary for the agriculturist's livelihood and also to remove, so far as the administration is concerned, the difficulty of having to classify the people who for all practical purposes belong to the same category. Therefore, Sir, I move this amendment and I am sure that the Hon. the Premier, who has himself accepted the principle of exemption of certain classes of people, will not find it difficult to exempt

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the smaller people who cannot be separated from that class of people whom he wants to exempt. I hope, Sir, that my Hon. Friend the Premier will accept this amendment. After all he does not intend to make this tax a heavy burden upon the class of people who cannot bear the burden. So, Sir, I move that in clause 3, sub-clause (1), item (a) be omitted."

The amendment was duly seconded.

MR. CHAIRMAN.—"Was it not understood that all the amendments should be moved by you?"

ABDUL HAMEED KHAN SAHIB BAHADUR:—"No, Sir."

* MR. H. S. TOWN:—"As Government are aware, Sir, in 6-45 p.m. my amendment I am asking for a reduction in the rate. I have discussed this matter in the Select Committee at very full length and there is very little I can add to what I said there, although I may not tell this House exactly what I did say there. But I gather from the discussions that I have had that the Government do not feel at all prepared to make any reduction, their reason being that if the amount of this tax is reduced, it will not give them sufficient money to carry out the programme that they have in view. In other words the Government—I think it was said in the introduction stage of the Bill—want to get sufficient money to be able to show people 'We have taken from you by one hand, but we have given you back by the other.' Now, this is all very well. But, I may refer to an expression of the Hon. the Premier some time back in which he talked about pricking them here, pricking them there and drawing no blood. Sir, many years ago when a doctor found that his patient had blood pressure, he applied leeches to his patient. The skilled doctor applied just enough leeches to take away the blood pressure of the patient and bring him back to normal. The unskilled doctor applied too many leeches; leech after leech fell off; the patient became weaker and weaker and died of anaemia.

(At this stage Mr. Speaker resumed the Chair.)

"Now, Sir, the Premier may draw the blood. Let him draw as much blood as he can. But, Sir, I would ask him to be careful not to draw too much blood. Sir, I have myself seen and in many occasions of blood-letting"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I am not objecting to the parable, Sir. But I just want the information whether we are dealing with all the amendments together."

MR. SPEAKER:—"Mr. Abdul Hameed Khan's amendment is the only amendment moved now."

* MR. H. S. TOWN:—"When am I to speak on mine, Sir?"

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MR. SPEAKER :—“ If you are particular I shall give you an opportunity at the proper time. I cannot say that now. I will certainly give you an opportunity for a general speech, but not on this. We shall proceed quickly so as to give an opportunity for people who want to speak generally.”

SRI G. KRISHNA RAO :—“ May I know, Sir, what procedure is to be adopted now? ”

MR. SPEAKER :—“ Mr. Abdul Hameed Khan’s amendment will now be put to vote.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ It is a favourite subject for me, Sir, for I have dealt with the subject at great length for a number of hours in the Select Committee.”

MR. SPEAKER :—“ Even previously. You have done it already on two occasions, at least, to my recollection.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ On what, Sir? ”

MR. SPEAKER :—“ On the amendment that the item may be omitted, i.e., on the substance of this motion. But you can go on.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ I might have said, Sir . . . ”

MR. SPEAKER :—“ You did say.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ I might have said when the Bill was introduced that I hoped that the Select Committee will take into consideration the opposition in the country and will be sensible and good enough to reduce the rates, that is about the limit. I might have said in that connexion; but I assure you I have not yet spoken on the motion made by my hon. Friend, Mr. Abdul Hameed Khan. If I had spoken I would not be standing now.”

MR. SPEAKER :—“ I suppose you are not precluded from standing.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ I am precluded from speaking on the motion twice.”

MR. SPEAKER :—“ On this motion you have not spoken. The House knows it and everybody knows it.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ I am very grateful to you, Sir, for now telling the House that I have not spoken.”

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MR. SPEAKER:—"Everybody knows it; it is an elementary thing."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, you first gave me the impression that I have spoken."

MR. SPEAKER:—"I should say that the hon. the Leader of the Opposition spoke on the substance of this motion. He is expected to understand that much. On this motion he may speak; he is not precluded, and nobody is precluded, from speaking."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I now understand the fine distinction between substance and motion."

MR. SPEAKER:—"Absolutely. Nobody has spoken yet on the motion except two people."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I am glad to be the third speaker, Sir. This is a matter even worth repeating. I am not repeating, however, for the sake of repetition or for the sake of emphasis. I say sincerely that the object of this motion is merely to relieve the small merchant who sells for sixty rupees a day. I ask, Sir, whether it is necessary for this piece of legislation to cover even those small persons who eke out their livelihood by their own daily labour. I should presume that the person who sells for sixty rupees a day is one who is his own proprietor, manager, clerk, salesman, store-keeper, godown-keeper, everything—and, according to the Premier, tax-gatherer. I want that he should be saved from that last and unenviable job. That is my request when I speak on this motion.

"Sir, it will be conceded that small traders and merchants, several of them running businesses in such a manner as to come under the purview of the local boards and municipal councils—I refer particularly to hotels and hotel-keepers who will be selling for sixty rupees a day—are already paying licence-fees and such other things. My hon. Friend, Mr. Varadachari, says that hotel-keepers can afford to pay this. I shall certainly entreat him, Sir, to merely send out a circular about this to the hotel-keepers; Mr. Varadachari will know the result immediately. The hotel-keepers will strongly protest. There are several other traders like them who have taken licences for carrying on business. Already they are taxed. Therefore they should not be taxed again. The reasons why they should not be taxed are threefold. One is that it is not necessary for the Government to collect this amount from the people. Secondly, they are petty merchants who are already paying tax in some form. Thirdly, for paying this small tax, they will have to pay it quietly without demur or they will have to produce accounts to show that they do not come under the purview of this five rupees tax. Probably a person would be prepared to pay this five rupees. But the assessing officer may say that he comes under category (b); i.e., that he has an income

[Kumaraaja Muthiah Chettiyar of Chettinad] [10th May 1939] of over Rs. 20,000 and that therefore he will have to show his accounts. The person should keep such accounts to satisfy the assessing officer. I have been told by several persons that they will have to engage clerks on Rs. 25 and Rs. 35 a month. I feel strongly that there is absolutely no justification to have this limit and it will be a nice gesture if the Government consider the removal of this clause.

“ It would have interested this House very much if the Hon. the Premier had told earlier when he moved that the Bill be taken into consideration, what amount of money he expects from this five rupees tax on these people. I cannot say what argument I will be able to put before him. It all depends upon his arguments. We do not have the opportunity. I do not blame the Government for not being able to give it. I do feel that the Government have not the information. I had said that if the Government had the information they would have given the same. They are feeling their way. But feeling the way and at the same time penalizing small merchants is not fair. I plead very strongly that these people should be saved for many reasons. I feel that five rupees is a strong reason. The stronger one is that they will be put to enormous trouble by way of maintenance of accounts. It may be that they have to pay sixty rupees per year as tax; but to pay only sixty rupees they may have to prove that they are liable to pay only that much; for which purpose they will have to spend Rs. 360 a year to maintain a clerk at Rs. 30 per month. That being so, Sir, I would ask hon. Members of this House to realize that we need not tax these petty traders. The Hon. the Premier would come and say that all members of the Opposition have opposed the Bill at one stage or another; that the public oppose it at another; that here the definition with regard to dealer and turnover is opposed; and he may ask us as to what will finally be left. But I may tell him, Sir, that if the Bill had been more clear than what it is now and if it had been more precise, the Opposition could also be more definite. The Opposition could decide that on certain points we will agree and on certain points we will not agree. But here, Sir, it is vague. Probably it is this vagueness that is responsible for the wholesale attack of this Bill by the public as well as members of the Opposition.”

MR. SPEAKER:—“ Are you talking about the amendment or the whole Bill, Mr. Muthiah Chettiyar? ”

KUMARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“ I am strengthening my argument.”

MR. SPEAKER:—“ But you see there must be a limit to the strengthening of the argument.”

KUMARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“ I am strengthening my argument by saying, ‘ Though the Opposition and the public have opposed the other provisions of the Bill,

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and the Bill in general, their opposition to this particular amendment is also justified.' I submit, Mr. Speaker, that I am quite right, that I am within the proper procedure when I refer to this particular clause and see that my argument in support of this amendment is strengthened, because though the public have opposed the other clauses, they are opposing this more than ever. That is what I want to make out.

"Sir, several estimates have been suggested with regard to the number of persons. Some have said it will be one lakh of persons; some have said it will be more or less. But I can tell you I will not hazard any argument, because this is a hopeless job. Probably, the Premier has heard an estimate of seventy-five thousand. I do not say he estimated . . ."

MR. SPEAKER:—"I suppose cross-conversations will cease hereafter."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"It is not a cross-conversation, Sir."

MR. SPEAKER:—"I call the Leader of the Opposition to order. He must see that there is no cross-conversation between him and the Treasury Bench and he will proceed with the argument and not comment upon the remarks made by the Chair."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I am sorry I embarrassed you, Sir."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I am very thankful to the Leader of the House.

"Mr. Speaker, I would very strongly appeal to the Government to consider this amendment very seriously. I no doubt agree that it will not be easy for the Prime Minister to make up his mind, for the object of this measure is to raise a huge revenue for reasons that appeal to him. That being so, forgoing all revenue is a matter for serious consideration. I can only say that the arguments put forth by the Opposition for revising his opinion are sound and if he is serious, he will not mind forgoing this revenue. It is difficult to forgo money. I believe that the support that he will have now will always be available. May I therefore repeat the request that he may think over the matter to-night as the meeting is likely to adjourn now at 7 o'clock?"

MR. SPEAKER:—"The House is not adjourning at 7 o'clock to-night."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I thought ordinarily it would rise at 7 p.m."

MR. SPEAKER:—"Ordinarily 8 o'clock; but to-day not even 8 o'clock."

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KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“That does not matter. I will come to that point later on. I shall confine myself to the motion now.”

MR. SPEAKER:—“You have mixed up unnecessarily.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“I was suggesting, Sir, and I am perfectly right in suggesting to the Prime Minister to think over and come to a conclusion.”

MR. SPEAKER.—“But the observation in regard to the adjournment at 7 o'clock is absolutely out of place. The Leader of the Opposition may go on with his observations relevant to the motion.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“You may rule that the House may sit longer. But ordinarily it will adjourn at 7 o'clock.”

MR. SPEAKER:—“It does not ordinarily adjourn at 7 o'clock. This is a Finance Bill.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“I submit that what we decided was informal and nothing was decided definitely.”

MR. SPEAKER:—“Ordinarily it was understood that the concluding hour will be 8 o'clock, but this is an extraordinary Bill and the House may have to sit the whole night, if necessary. (Laughter.) Members may desire to speak and every opportunity will have to be given to them.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“I would suggest that this matter be considered later on.”

MR. SPEAKER:—“Nothing will be considered later on. The hon. the Leader of the Opposition will go on with his speech on the amendment.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“Quite so, Sir. I will speak about the time later on.”

MR. SPEAKER:—“If necessary.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“I think it may be necessary, Sir.”

“Sir, I have practically finished what I have to say on the amendment moved by my friend Mr. Abdul Hameed Khan and I will only say that these are all amendments which the Opposition expect the Government to accept.”

Khan Bahadur P. Khalif-ul-lah Sahib Bahadur rose from his seat.

MR. SPEAKER:—“Do you propose to speak on this amendment?”

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KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—
“ Yes, Sir.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—
“ I know, Sir, you . . . ”

MR. SPEAKER:—“ Hereafter, members should know how to address the Chair. The second person ought not to be used when addressing the Chair.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—
“ Thank you, Sir. I always observe decorum. It has always been used here in the past.”

MR. SPEAKER:—“ The Chair has allowed so much indulgence to the Members of the Opposition, but it ought not to be abused in this fashion.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—
“ I may assure the Chair, Sir, that the Chair having allowed so much indulgence in the past had practically made us forget the correct use. . . . ”

MR. SPEAKER:—“ Nobody has forgotten it. This sort of commenting when a ruling is given is improper and the hon. the Leader of the Opposition will hereafter not use the second person when addressing the Chair.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—
“ Mr. Speaker, I wish to draw the attention of the Chair to the informal understanding arrived at some months ago when we were discussing the hours of work that, except during budget time, we ordinarily sit from 3 to 7 p.m. Sir, we—some of us at any rate—have been under the impression that the House may be adjourned at 7 o’clock. Now I wish to know from the Chair, whether the House is likely to be adjourned now to meet to-morrow at 3 o’clock as usual, or how long the House is likely to sit. I may submit, in this connexion, to the Chair that some Members have been under the impression that the House may rise at 7 o’clock, as it is not a budget meeting. Though this may be a Finance Bill, there is great difference between a Finance Bill and a budget. This is our impression, Sir. I would like the Chair to tell us how long we are likely to sit to-day.”

* THE HON. SRI C. RAJAGOPALACHARIAR:—“ Usually, Sir, adjournment of the House, according to parliamentary procedure, is a matter for the House to decide. The Chair, however, has, so far as we are concerned, been able to secure the unanimous consent of the House on all such occasions and a declaration from the Chair has been practically accepted by all without demur. I am sorry that the question of hours has been taken up now with

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so much heat, if I may say so. Since it has been raised, I have to submit on behalf of the House that I move that we sit till 8 o'clock to-day, Sir."

MR. SPEAKER:—"No motion is necessary. As a matter of fact the understanding was—and even that was a limited understanding—that ordinarily even on non-budget days. . . ."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Non-budget days?"

MR. SPEAKER:—"It is not a question of non-budget days, Mr. Abdul Hameed Khan 'Financial business' that was the word."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am sorry I remember very differently."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I would request the Chair to send for the printed copy of the Proceedings."

MR. SPEAKER:—"Not necessary. I say financial business is the most important, whether it is budget or not. This is as good as the budget, probably more important than the budget itself, I should say. The House will sit not exactly till 8 o'clock; it will rise at a convenient hour. Supposing we are in the middle of a division, the House will not rise. There are instances when the House cannot be adjourned. Suppose the decision of the Chair on the result of a vote is challenged and a division is claimed and so forth; the House cannot be adjourned. So, ordinarily, the House will be adjourned at 8 o'clock. But the House may have to sit for some time longer. Suppose a reply is being given by the hon. Member and it may be closed and then a division is asked for, the House will have to sit till half-past eight or a quarter to nine. It is not a question of being strictly and technically guided by the clock, because, as I have already said, the House is sitting for very few hours. We are not working here like the House of Commons sitting from 3 p.m. to 11 p.m. This House is turning out minimum work. The Members of the Legislature will have to work hard when an important Bill comes, except under very extraordinary circumstances as on Monday last, when a concession was shown to the Leader of the Opposition. A very great concession was shown that day because a mistake was committed by some people; I would not have allowed it, but on a special request it was allowed as a concession. Therefore, ordinarily speaking, I should say the House will have to sit, say, till 8 o'clock. That is the understanding."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Will the Chair kindly permit me to make a statement? I am sorry I have to make a statement at this stage."

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MR. SPEAKER:—"I have given the ruling. I do not like anybody to speak on this. I think no representation need be made at this stage. After 8 o'clock, I will hear representations. It may be unfortunate. I must proceed with the amendment. I would not allow any other discussion, unless this amendment is disposed of."

MAHBOOB ALI BAIQ SAHIB BAHADUR:—"On a matter of information, Sir. The Chair was saying that some understanding was arrived at. I want to know between whom this understanding was arrived at. Was this House a party to that understanding?"

MR. SPEAKER:—"Well, the Rules Committee came to a certain understanding; it was not a resolution—that is the information. We will proceed. Is there any other Member who wants to speak?"

KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—"I was on my legs, Sir, when the trouble arose. Speaking on this amendment, Sir, I must first of all request the House to bear in mind whom this amendment is supposed to benefit. It refers only to people whose turnover does not exceed Rs. 20,000. As previous speakers put it, it means that it affects people doing a business of about Rs. 55 or 56 every day and at once I may state, Sir, that this certainly does not refer to wholesale dealers who deal on a much larger scale than Rs. 56 every day. It certainly does not refer to merchants in urban areas. It refers only to merchants who carry on business in small villages or rural areas altogether. There may be a few even in towns who come under this category and even they, Sir, require this much relief at the hands of the Hon. the Premier. Perhaps, as I said, most of these merchants are rural merchants. We have heard it said both in this House and outside that the Bill is meant for taxing the urban people and giving relief to men in the rural areas. It is on the same basis that I plead before the Hon. the Premier that he would kindly agree to this amendment. More than this, Sir, people who have close touch with businessmen in rural areas, will know that most of the trade is carried on only on credit. It is only just a few minutes back, that this House threw out an amendment which was meant for the relief of most of these people and not only the bigger merchants. I mean most of these rural traders have to carry on their trade on credit or they have to get out of the trade altogether. It is a matter of common knowledge that most of these credits finally are not paid; they have to be written off. I may also state in this connexion, Sir, that these rural merchants do not even have accounts. They carry on this credit more or less from memory. Such being the case, most of these credits have to be written off at some time or

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other. Just now the House has thrown out an amendment meant for safeguarding the interests of the merchants so far as bad debts are concerned. In view of that, I plead that at least this amendment may be accepted by the House for the simple reason that this relief is meant mostly for the rural merchants and certainly not for the merchants in the cities.

"Again, Sir, so far as these people are concerned, as the previous speakers have stated, this lands most of these merchants in endless trouble. I have some practical knowledge of the working of the Income-tax Act, and therefore, I may tell the House with some authority,—I hope I will not be contradicted—that it is only the lesser fry that suffers most by these taxation measures. Therefore it should be the purpose of a responsible Government like the Congress Government in Madras to come to the rescue of these smaller merchants. By doing so, they will be only keeping their election promises that they will safeguard the interests of the villagers. After all, we have been told that the Government does not expect proportionately much from these people. This is also another reason why this exemption should be given. After all, by the collection of Rs. 5 per month from each petty merchant not much money could be got; but the collection will mean a lot of harassment to these petty merchants at the hands of petty servants of the Government. If the tax-collector is likely to be a Deputy Collector or a District Collector, there will not be much of trouble caused. But I am sure that when the rules are framed it will be found that it is not such responsible and respectable officers as the Collectors or Deputy Collectors who will be made responsible for the collection of the tax. This work will necessarily have to be done by the people in the lower rungs of the administration and it will not certainly be to the interests of the petty merchants. The interests of the petty merchants will not be safe in the hands of the petty officers. The Hon. the Premier cannot be unaware of these things. For these reasons I think it is but fair and just that this clause should be removed altogether from the Bill."

* D. S. SAIYED IBRAHIM SAHIB BAHADUR :—“அக்கிராசனுதிபதி மயர்களே, இப்பொழுது ரூ. 20,000க்கு கீழ்ப்படவர்களை விடுவிட வேண்டுமென்று சொல்லுகிறான். அவ்வாறு செய்யவேண்டியது ரொம்ப முக்கியம். ஏனென்றால் அதைவிட ஒரு நாளோன்றுக்கு வகுக்கணக்காக வியாபாரம் செய்யும் தங்கம், பொன், வெள்ளி, நகை முயாபாரிகளை விட்டுவிடுவதற்கு நமது பிரதம மந்திரியவாகள் எவ்விடம் இணங்கி ட்ரார்க்களைப்பது எனக்குத் தெரியவில்லை. எதிர்க்கிடத் தலைவா ஒப்புக்கொண்டால் அதைப்பற்றி எனக்கு கவலையில்லை. அவர் கோடிக்கணக்காகத் தொழிலை பண்ணுகிறவர், தங்கம் வெள்ளி வியாபாரம் ஜாலதியாக இருக்கக்கூடும், ஆகையால் ஒத்துக்கொண்டிருக்கக்கூடும் பணக்காரர்கள் சொல்லியதற்கு இணங்கி ஒப்புக்கொண்டதாகுமே அல்லாது ஏழைகளின் நல்லைக்கருதி ஒப்புக்கொண்டதாக ஆகாதென்பதை ஒப்புக்கொள்ளவேண்டும். ஒரு நாளைக்கு 60 ரூபாய்க்கு

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விறகுக்கூடியவருக்கு எனன் லாபம் வரக்கூடுமென்பதை தாங்கள் உணர்ந்திருப்பாரானால், அதில் நாம் வரி போடால் அவாகள் எவ்வளவு கொடுக்க வேண்டியவரும் என்பதையும் தாங்கள் நினைக்கவேண்டும். 60 ரூபாய்க்குத் தொழில் செய்யப்படவாகள் எவ்வளவு போ, எனன்விதமானவாகள், அவாகள் எந்தத் தொழில் செய்கிறான் என்பதையும் கவனிக்கவேண்டும். அவாகள் கடின விலையைக் கொடுத்துப்பெரும்பாலும் கடநுக்கு வாங்கியிருக்கானவைந்து விறகுவாகளைக்கவே இருப்பார்கள். அப்படி இருக்க அவாகளை exemptio : பண்ணமாட்டேனன்று சொல்லுவது கொஞ்சமும் நி யமிலைவு. நாங்கள் இவ்விடத்தில் இந்த மசாதாவை introduce, பண்ணும்போதே, பணக்காராகவிடத்தில் நாங்கள் வரி போடப்போகிறோம், எழைகளுக்கு வரி போடுகிறதிலைவு; பணக்காராகவிடவையாம் இவ்விடத் வரியிலிருந்து தபவித்துப்பக்காணடே வந்திருக்கிறான்; ஆகையால் இவ்விடதம் வரி போடப்படுவது சுமூகளைக் காப்பாற்றுவதற்காகத்தான் ” என்று தாங்கள் சொல்லியிருப்பதை மறந்திருக்கமாட்டார்களென்று நம்புகிறேன். அப்படியிருக்க இவ்விதமான சொறுப் பியாபாரம் செய்யக்கூடிய ஒரு பியாபாரியின் மீது இவ்விடத் வரியைப்போடுவது அவாகளுக்குக் கஷ்டமாயிருக்கும். எனன்று கேட்டால் நமது கலிபுல்லா ஸாகிப் சொன்னபடி பெரும்பாலும் கிராமாநதாங்களில் வியாபாரம் செய்யக்கூடியவர்கள் கணக்கு வைத்துக்கொண்டிருப்பதிலை. அவாகள் வாங்குகிறவாகவிடத்தில் ஒரு புதைக்ததைக்கொடுப்பது விட்டு, வாங்க வாங்க அதில் குறித்துக் கொண்டு போய்விடுவார்கள். மறுபடியும் 6 மாதமே 3 மாதமே அவாகளுக்குக் கிடைக்கக்கூடியதை வரவு வைத்துக் கொள்வார்கள் பெரும்பாலோரா கணக்கு வைக்க லாயகில்லாமலிருப்பதினால் தாங்கள் போடும் அபராதம் அவாகளுக்கு ரொம்பபாதக மாகுமென்பதை மறந்துவிடக்கூடாது. இப்பொழுது தங்கம், பொன்வியாபாரிகள் லக்ஷக்கணக்காக வியாபாரம் செய்வார்கள், “எங்களுக்குலாபம் சொற்பமாகக்கிடைக்கிறது, தாங்கள் வரி ஜாஸ்தியாகப் போடுகிறார்கள் ” என்று சொன்னதற்காக விட்டுவிட்டார்கள். அவாகளுக்கு வண்டுமானால் இந்த 15 மேஜையாவது குறைக்லா+போட்டு வசூல் செய்திருக்கலாமே யல்லாமல், அதை விட்டுவிட்டு ஏழைகளிடத்தில், சொற்பவியாபாரம் செய்கிறவாகவிடத்திலை வந்து வரிபோடுவதோ அல்லது licence : என்று போடுகிறதோ கொஞ்சமும் கி. 1 மயிலைவு. இவ்விடதம் licence போடுவதை ரூ. 20,000க்கு மேல்பட்டவாகளுக்குப் போடலாமென்று தாங்கள் செய்தால் நன்மையாக இருக்கும் நீங்கள் சொன்னபடி எழைகளையும் காப்பாற்றியதாக இருக்கும். அப்படிச் செய்யாமல் வாயால் சொல்லுவது ராஜா தங்கமாலையைக் குட்டையாக கொடுத்தமாதிரி இருக்கும். ஆகையால் இந்ததிருத்த பிரேரணையை நான் ஆமோதிக்கின்றேன்.”

* THE HON. SRI C. RAJAGOPALACHARIAR :—“ Sir, I am not quite convinced that I have understood the mind of the gentlemen who moved and seconded this amendment. I wonder whether they merely wish that a particular class of people should be saved from this tax and that therefore they are pleading for them or whether they want to ask the Government to adopt a different scheme of taxation. If their aim really is to save the smaller dealers, they should have put forth some constructive suggestions such as raising the rates for those who are richer and thereby saving the poor people for whom they pleaded for exemption from this tax. But I am quite sure that the smaller dealers for whom they were speaking will really wonder if this was their position or whether they merely wanted to throw the blame on the Government. I claim that it is not the right

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way to attack the subject by saying simply 'release these small dealers from this tax' and not suggesting anything as to how to make it up. The tax that we have proposed that the smaller dealers should pay is Rs. 5 per month, that is to say the assessment value on Rs. 12,000 when the turnover goes up to Rs. 20,000. This we consider is a proper tax and one which the dealers themselves cannot object to and are not likely to object to. But of course no man will be ungrateful to anyone who speaks on his behalf. Hon. Members have spoken on behalf of these smaller dealers and of course the smaller dealers will be very grateful to them for this help. But let me say that this is not really good service done to them. What will happen is that the big dealers will be compelled and tempted to divide themselves into small dealers; because Rs. 20,000 is not a small or negligible amount, all the big dealers will be tempted to divide their shops among their brothers, brothers-in-law and so on and each will be made into a dealer having less than Rs. 20,000 turnover. Rupees 19,000 even will do so as to escape the tax. I submit that the Government, after considering this for a long time in the Committee as well as outside, have come to the conclusion that it would be a dangerous point to touch it up to Rs. 20,000. The Government were prepared to take the risks that might happen up to Rs. 10,000 but not above that sum up to Rs. 20,000. There may be something that can be said against any limit, but on the whole it is a fair limit to put it at Rs. 10,000, because if a man fragmentizes his business to a large extent, he will suffer because he will have to pay house-rent, establishment charges, etc., for every small shop and also probably pay special municipal licence fee. Therefore we fixed it at Rs. 20,000. But we have provided that, though we have fixed it at Rs. 20,000, practically the burden will be as if it were Rs. 10,000. I have just now explained it.

"Mr. Khalif-ul-lah Sahib referred to the irritation and oppression that might possibly result and said that therefore these people may be saved from the tax. I submit, Sir, that Mr. Khalif-ul-lah might have thought of another aspect of the matter. If we gave this Rs. 20,000 exemption, it is then that these people will run to the assessing authority and the assessing authority, if they are bad, will run to these people. It is when we enlarge the scope of exemptions that the people will be in the hands of bad assessing authorities who will say: 'If I make it Rs. 19,000, what will you pay?' Or this man will say, 'If you make it Rs. 19,000, I will pay so much.' But if there is nothing much to be gained by this means, the dealer will pay Rs. 5 a month to the Government and be saved from the visitations which Mr. Khalif-ul-lah has referred to. It is not as if I have come from some other continent to this country. It is when a privilege is given that oppression begins.

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When a man gets no privilege and when a universal rule applies to all, people are automatically saved from the oppressions to which we are used. That being the case, it led me even to think that the man below Rs. 10,000 also may be taxed. But we have nothing to gain from this, and that would be too bold a measure and too wild and extensive a measure which will cover even the hawkers of curds and milk. Everybody would have to be hauled in. Therefore it is that we have put in a limit like this. I submit therefore that the amendment should be rejected."

The amendment was put and lost.

MR. SPEAKER:—“One thing, as I glanced over the amendments to clause 3, is this: I still find that the procedure that is now being adopted is not conducive to the proper regulation of the business. Of course amendment No. 31 is independent of other amendments with regard to which the procedure of regulating the business of the House should be applied. So that what I would suggest is that the House may now accept my suggestion and proceed with the business, because the regulation of the business of the House is in the hands of the Chair. This is a very important Bill and there must be a sensible and analytical discussion of the principles. If these stray and alternative amendments are taken up, there will not be opportunity for hon. Members to discuss important amendments. Therefore I have analysed the various amendments and I allow those amendments to be moved under particular heads. The first head will be ‘What will be the amount of turnover?’ and all the amendments relating to the amount of turnover for which a fixed rate should be fixed will be moved first. The second is ‘What will be the fixed rate for the turnover?’ and all the amendments relating to this head will be discussed under this head and disposed of. The next heading is ‘What will be the rate of percentage?’ If the discussion takes place under these three heads, then it will be interesting and useful, and Government will probably consider the suggestions of hon. Members in the course of the discussion and such suggestions will also throw light on the whole subject. I therefore allow the discussion to be divided into these three heads. The first group of amendments that will be taken up for discussion are those relating to the amount of turnover. I say there are three amendments under this, viz., Nos. 32, 33 and 34 for Rs. 15,000, Rs. 20,000 and Rs. 40,000. Therefore, I would ask Mr. Hussain to move his amendment, amendment No. 32.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“We are asking you, Sir, for direction as to how to move these amendments. May I request that the House be adjourned now and Members asked to come back to-morrow quite afresh, because

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it is the Members belonging to the Opposition, however small their number may be, that have tabled these amendments and they will have to come prepared quite afresh."

MR. SPEAKER:—"I have analysed the amendments in this fashion, viz., those relating to Rs. 15,000, Rs. 30,000 and Rs. 40,000. These amendments may be disposed of. It is a very simple thing."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"We have to do justice after all in making our contribution to the debate on these amendments. After all, at this late hour it would not be possible for us to go on . . ."

MR. SPEAKER:—"The only question is whether it should be Rs. 15,000, Rs. 30,000 or Rs. 40,000. That is the simple question. That may be discussed and disposed of in ten minutes."

KUMARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I would like to ask the Chair, while we accept your suggestion with regard to grouping of these amendments, whether you will also agree to put to vote each one of these amendments when voting comes."

MR. SPEAKER:—"Absolutely. Otherwise this grouping would be useless."

KUMARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Following Mr. Hameed Khan, I am sure the Chair will concede that it is the Members of the Opposition, though they are small in number here, that have taken the trouble of tabling a large number of amendments and they will have to devote all their time and energy in the discussion of these amendments; and it will only be fair if these discussions in which they will have to take part are made lively. I may say that some of us are getting tired after 7 o'clock. I submit to the Chair that it is only a few minutes after seven. I quite approve of the manner in which the grouping has been made. But I think the House may now adjourn."

MR. SPEAKER:—"The procedure has been only simplified."

KUMARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"All the suggestions regarding grouping have been agreed to by us."

MR. SPEAKER:—"The hon. the Leader of the Opposition will see that there is nothing to agree. The only thing that has been done is the grouping of the various amendments under various heads so that it will be easy for the hon. House to go on with the discussion of those amendments. Such a grouping will enable

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[Mr. Speaker]

hon. Members to concentrate their attention upon one point so that the discussion may be sensible and Government also may give their consideration to such a thing and give their reply."

MR. H. S. TOWN:—" May I just ask for a little information? You, Sir, said just now that you would be taking up amendments Nos. 32, 33 and 34. They also deal with the rates as well as slabs. So in dealing with No. 32, are Members going to be debarred from discussing the rate?"

MR. SPEAKER:—" Yes."

* MR. H. S. TOWN:—" Am I allowed to discuss the rate, Sir?"

MR. SPEAKER:—" No. The discussion will be concentrated upon part of amendment No. 32. In dealing with 32, the amount of turnover will be discussed. I suppose I have made my position clear."

SEI G. KRISHNA RAO:—" Does not the exemption limit come under this?"

MR. SPEAKER:—" The total exemption will be under the proviso."

* MR. H. S. TOWN:—" Just to make sure myself. I made a mistake when I last spoke. Under amendment No. 32 there is no possibility that the rate of one-fourth will be discussed according to the procedure that you propose adopting. I submit that the rate will have to be discussed under 32."

MR. SPEAKER:—" I divide amendment No. 32 into two parts. I suppose hon. Members have understood the method of dealing with all the amendments under clause 3 (1) (a) and (b). The first group is that relating to the amount of turnover for which a fixed rate should be fixed; the second is what should be the fixed rate and the third is the rate of percentage."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" I find that in the first category there are many amendments."

MR. SPEAKER:—" Yes, there will be many and they will all have to be disposed of.

" Now I call upon Mr. Hussain to move his amendment, amendment No. 32."

* H. S. HUSSAIN SAHIB BAHADUR:—" Mr. Speaker, I beg to know from the Chair whether I can move the whole amendment as it stands here or should only confine myself to the amount of turnover. This amendment deals with the rate also. The object of the amendment cannot be gained without the rate connected therewith."

MR. SPEAKER:—" Rates, of course, we shall deal later."

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H. S. HUSSAIN SAHIB BAHADUR:—"Then I leave the question of rates. But then there is also another difficulty. This amendment will go along with item No. 57 on the list of amendments; if they are taken together, my view is that it will become acceptable to the House. Anyway as it is the wish of the Chair that I should move only part of amendment No. 32. . . ."

MR. SPEAKER:—"Otherwise, a discussion of these amendments in their entirety will take up any amount of time."

H. S. HUSSAIN SAHIB BAHADUR:—"Sir, I move

'that the amount of turnover in items (a) and (b) should be Rs. 15,000.'

"Sir, in moving these amendments, I leave the proviso *in tact*. Sir, we have had a good deal of discussion about the hardships, the great troubles and the inconveniences that would be caused to the mercantile community in this Province on account of the introduction of this new taxation measure. From the agitation that is being carried on against this measure of taxation, it is found that the mercantile community are opposed to the Bill as a whole. But, Sir, when we come to certain obnoxious features of the Bill, we have to do our best to tone them down as far as possible so as to meet the real and genuine demands of the people concerned, who are after all the people who are affected by a measure of this kind. There is already a fear in the mind of the people that business and industry are going to be seriously handicapped. If I may bring it to the notice of this hon. House, I believe hon. Members of this House already know that a sort of panic has already spread in the market by the introduction of this Bill and the prices of commodities have risen up."

KUMABARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"On a point of order, Sir. I have now to make a submission that your arrangement with regard to the consideration of this clause is quite inconsistent with regard to the amendment given notice of by my hon. Friend Mr. Hussain. The amendment runs like this:

-45
m. "For items (a) and (b) substitute the following:—

"(a) If his turnover does not exceed Rs. 15,000 in a year. Rupees two and annas eight per month."

"The Bill as amended says that if the turnover does not exceed rupees twenty thousand the tax shall be five rupees a month. Mr. Hussain wants to reduce the limit from Rs. 20,000 to Rs. 15,000. He wants to reduce the privilege by Rs. 5,000 only because he wants to fix the rate at Rs. 2-8-0. I just want to bring to the notice of the Chair that although I agreed to the suggestion of grouping these amendments in principle, when we come to this particular amendment, the manner in which this amendment has been split up leads to an inconsistency."

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MR. SPEAKER:—" Does the hon. the Leader of the Opposition want amendments to be taken one after the other?"

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" I just now said that I agreed to the grouping, but when we apply the principle of grouping to this particular amendment we find this inconsistency, Sir. Therefore, I submit that when we have an arrangement like this we will have to make certain exceptions. I have not perused the other amendments, but there may be cases of inconsistency there also. So far as this is concerned, Sir, it strikes me that it is inconsistent to proceed like this. The proper way of dealing with this amendment is to couple the Rs. 15,000 with the Rs. 2-8-0. That is my point of order, Sir."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" It is merely a question of psychology. After considerable experience of democracy and parliamentary procedure, a method has been evolved by which amendment after amendment should be taken up for consideration. Otherwise at every stage there will be opposition. In fact we would have finished three amendments by this time if we had followed the original procedure. I again suggest that we proceed according to the established procedure."

MR. SPEAKER:—" The conventional procedure."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" Yes, Sir, that is the best always."

MR. SPEAKER:—" I think the discussion will be very tame and it would not be helpful either."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" It is true, but a certain amount of compromise is necessary if we want any change from convention. It is not really a question of making the discussion interesting or confining it to important amendments. The Members who have given notice of amendments consider them important and it is best to carry on in the conventional manner. If the discussion is concentrated naturally and voluntarily on any particular amendment, it will fade away on other amendments. We will leave it to human nature."

MR. SPEAKER:—" What does Mr. Town say?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—" I think, Sir, that Mr. Hussain Sahib may be allowed to go on with his amendment, No. 32."

* MR. H. S. TOWN:—" Sir, I think the suggestion made by the Hon. the Premier will make matters go all right. I imagine, Sir, that if the Hon. the Premier wanted to be dishonest—I do not think he wants to—he could with pleasure, with all the power behind him, accept the first portion of amendment No. 32 and reduce the limit to Rs. 15,000 and when we come to the later portion of the amendment regarding Rs. 2-8-0, he could

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throw it out. By splitting this amendment we would be giving the Government a gift of Rs. 5,000 in a slab, which would not be the case if we connected the Rs. 15,000 with Rs. 2-8-0. Otherwise we will be giving the Government if they want to accept it—I do not think they want to accept it—a slab of Rs. 15,000 instead of Rs. 20,000 and an opportunity to throw out the amendment to reduce the rate to Rs. 2-8-0."

MR. SPEAKER:—"I suppose the Government would be ready to take up the suggestion and accept Rs. 15,000."

MR. H. S. TOWN:—"I do not think they will. Therefore I say it is going to be very difficult unless we stick to the established parliamentary procedure of going through one amendment after another. Otherwise difficulties will arise and some of us will be very very sorry."

THE HON. SRI C. RAJAGOPALACHARIAR:—"The real difficulty arises because individuals act for themselves. Without any grouping there cannot be any advantage and they must lose the advantage necessarily. If hon. Members had combined together they could have avoided the possibility of giving a gift of Rs. 5,000 to the Government. But each one is interested in his problem and in his theory about things and has put forward his own amendment. I assure the House, Sir, that unless we go through amendment after amendment we cannot save time."

MR. SPEAKER:—"I think, at any rate it will not be a useful method of conducting business. There will be confusion."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I agree with the Hon. the Speaker that there must be an arrangement by which we can move one class of amendments after another. Otherwise there will be, as the Hon. Speaker has stated, confusion and it will not be conducive to proper discussion."

MR. SPEAKER:—"It will be an expenditure of the time of the House for no purpose."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Therefore, I submit that the Hon. Speaker may kindly adjourn the House now." (Laughter.)

MR. SPEAKER:—"I am agreeable to an adjournment provided hon. Members know their minds. The same point that is raised now may be raised to-morrow also. That is why I wanted Mr. Hussain to move his amendment so that we may see what difficulty may be felt in that procedure. The difficulty that is felt to-day will be felt to-morrow also. . . ."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I submit to the Chair that the Chair may take some time to classify the amendments leisurely?"

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THE HON. SRI C. RAJAGOPALACHARIAR:—"They cannot be classified."

ABDUL HAMEED KHAN SAHIB BAHAUDUR:—"They can be classified."

MR. SPEAKER:—"Some other Member may take objection to that. Therefore let us decide one way or the other now."

THE HON. SRI C. RAJAGOPALACHARIAR:—"In this connexion I just wish to point out, if I may be permitted . . . (The Leader of the Opposition was conversing with another hon. Member.) I want the attention of the hon. the Leader of the Opposition."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I am sorry, Sir."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I submit, Sir, that the whole procedure has been topsy turvy in my opinion. Sir, why did we appoint the Select Committee? We appointed the Select Committee in order to thresh out all these details and the report of the Committee is before the House. A few points have been brought out as things on which important members of the Select Committee could not agree. If we had stuck to the usual convention of not bringing forward individual amendments on every small detail after the Select Committee had worked them out, then all these difficulties would have disappeared and there would have been interest in our discussion and order in our procedure. But the whole House wants to sit in committee on the Bill and every individual Member brings forward his amendments and Members of the Select Committee have again given notice of amendments on matters of detail. We cannot therefore, Sir, get away from the position that the old, established, Parliamentary convention is the only solution for this kind of jungle of amendments, so to say. We must go through them one by one. We cannot group them by any effort of skill, even though it is the Speaker's."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, now that reference is made to the part played by the Members of the Select Committee and it is suggested that no amendments should be put forward by them with reference to the decisions of the Select Committee, I wish to say that technically there is nothing debarring Members of the Select Committee from putting forward amendments. But I do not stand on the technical ground at present. The material reason, I might say, is this. Even while the motion of the Hon. the Premier that the Bill be taken into consideration was under discussion, it was clearly pointed out that so many amendments had been given notice of, because on most of the vital points no amendments worth mentioning had been accepted by the Government in the Select Committee stage. I say this, because the House should not go away with the impression created by the statement of the Hon. the

[Kumararaja Muthiah Chettiyar of Chettinad] [10th May 1939]

Premier that the amendments have been put forward frivolously in spite of the fact that the matter had been discussed in the Select Committee. I do concede, Sir, that the matter has been well and thoroughly discussed in the Select Committee. I do not dispute it. But the reason why amendments have been poured into this House is because hon. Members of the House and the public outside are not satisfied with the manner in which amendments have been accepted to the material portions of this taxation measure. (Interruption by Hon. Premier.) I mean the public as represented here. The representatives are not satisfied with the amendments that have been made by the Select Committee. That is why it has not been possible to restrict the number of amendments. I may say, Sir, that most of the amendments that have been put forward are very good amendments. They are not frivolous. Probably there may be repetitions here and there, but it is inevitable as hon. Members have given notice of amendments from their homes. Even here, as you have noticed earlier in the debate, when one amendment was disposed of, several other amendments were not moved because they dealt with the same matter or principle. That showed the reasonableness of the Members of the Opposition. Anyhow, Sir, I submit I have shown that necessity has arisen for amendments to be given notice of by Members on the Opposition."

THE HON. SRI C. RAJAGOPALACHARTAR:—"Sir, I have been wholly misunderstood. . . ."

MR. SPEAKER:—"Absolutely. Not purposely or deliberately."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, I do wish to bring to the notice of the House that although the Hon. the Premier may say that he has been misunderstood, the Hon. the Speaker also should not say that I have misunderstood the Hon. the Premier. The Hon. the Premier may say so, Sir, but not the Chair."

MR. SPEAKER:—"I have added, 'not purposely or deliberately'."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I submit to the Chair, Sir, that the Chair need not say that."

MR. SPEAKER:—"That is for the Chair."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I submit to you, Sir, that it is my opinion that the Chair need not say that. That is all I can say. The Hon. the Premier may say that and I have got a right of reply, but when the Chair makes a remark of that type, I have no right of reply. I have only to make a submission. The Hon. the Premier is entirely at liberty to abuse me or to praise me or to criticize me. I have got a right of reply."

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THE HON. SRI C. RAJAGOPALACHARIAR :—“ I do not claim the right to abuse anyone.”

MR. SPEAKER :—“ If the Hon. the Premier says ‘ I have been misunderstood by the hon. the Leader of the Opposition ’ there is nothing unparliamentary about it. There is absolutely nothing of the sort. If he has been misunderstood, he was not purposely misunderstood or deliberately misunderstood. Nothing of the sort. Anybody may be misunderstood by anybody else. There is absolutely nothing to take exception to.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ My submission is that the Chair need not reflect the same remark, though in a restricted manner. The Hon. the Premier as a Member of the House is at liberty to characterize my action in any manner and I am at liberty to reply to him, but if the Chair also adds any words of its own in that connexion I am at a disadvantage for I am powerless to reply to the Chair.”

MR. SPEAKER :—“ Mr. Muthiah Chettiar is not in a mood to understand what the Chair has said.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ I am in a perfect mood to understand what the Chair has said.”

MR. SPEAKER :—“ The explanation is perfectly clear and it ought to be understood easily.”

THE HON. SRI C. RAJAGOPALACHARIAR :—“ Sir, let me explain. When I said that confusion had arisen on account of a certain thing, I meant this very clearly and I say it again. It will not take more than one sentence. Amendments to the effect that Rs. 2 should be put in, or Rs. 2-8-0 should be put in, or Rs. 15 should be put in, all mean that the whole House sits as in a Select Committee. But if we agree to those details as they have been worked out by the Select Committee, we would have a handy number of amendments and the discussion would be convenient. I do not mean to say thereby that any Member has lost his right to give notice of amendments because he sat on the Select Committee. If that is understood I do not propose to say anything more. I again repeat that inasmuch as we have not reduced the amendments to a handy number, it would not be possible to try and group them in any manner so as to prevent some disadvantage or irregularity. One part of the amendment will be dissociated from another part and certain consequences will follow which have not been expected. Each amendment will have to be dealt with separately. Therefore any attempt at grouping will fail. It will be easier to deal with the amendments systematically, one by one. Hon. Members may exercise their discretion in advancing their arguments in dealing with a subject which has been discussed.”

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KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR :—
" It is 8 o'clock now."

MR. SPEAKER :— " This point will have to be decided. It is not a matter for laughter. We are serious. Hon. Members would like to regulate the discussion and confine themselves to the most operative and principal clauses of the Bill in order that the discussion might be useful and lead to some important decisions. I have been trying to regulate the discussion. If hon. Members still think that the same regular routine of going through the amendments one by one should be followed, there is absolutely no objection. The House may consider the amendments, one after another. But it will be merely mechanical. I wanted to help the House by confining the discussion to important points and arguments which might appeal to the Government to make alterations in the Bill, if possible. Otherwise the first amendment will be moved and thrown out; then the second amendment and then the third amendment and so on. Mechanically the consideration will proceed. I do not want a mechanical procedure in a debate of this kind. If hon. Members of the Opposition want a mechanical procedure to be followed, I have no objection. The amendments will be taken up in their order.

" The House is now adjourned to meet again tomorrow at 3 p.m."

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APPENDIX I.

[Vide answer to starred question No. 1290 asked by Sri I. Sattanatha Karayalar at the meeting of the Legislative Assembly held on the 10th May 1939, page 601 supra.]

List of communities notified under the Criminal Tribes Act.

| Name of tribe. | Districts in which found. (2) |
|-------------------------------------|---|
| (1) | |
| Telaga Pamulas .. | Guntur, Nellore, Kurnool, Anantapur, Cuddapah, Vizagapatam, East Godavari, West Godavari, Kistna, North Arcot and Chingleput. |
| Konda Doras .. | Vizagapatam. |
| Rellis .. | Do. |
| Paidis .. | Do. |
| Kintali Kalingas .. | Do. |
| Donga Yatas .. | Do. |
| Dandasis .. | Do. |
| Donga Yenetics .. | Do. |
| Munda Pottas .. | Do. |
| Audiniya Dombs .. | Do. |
| Oriya Dombs .. | Do. |
| Ghasis .. | East Godavari and West Godavari. |
| Nakkalas .. | Do. |
| Anipey Malas .. | East Godavari, West Godavari, Kistna, Guntur, Nellore, Kurnool, Anantapur, Chittoor, North Arcot, Chingleput and Madras City. |
| Dommaras .. | East Godavari |
| Reddikas .. | West Godavari, Kistna, Guntur, Nellore, Kurnool, Anantapur, Cuddapah and Chittoor. |
| Donga Woddars .. | West Godavari, Kistna and Guntur. |
| Donga Lambadies .. | West Godavari, Kistna, Guntur, Nellore, Kurnool, Anantapur, Cuddapah, Chittoor, Chingleput and Madras City. |
| Donga Yenadis .. | West Godavari, Kistna, Guntur, Nellore, Kurnool, Anantapur, Cuddapah, Chittoor, Chingleput and Madras City. |
| Nizam Woddars .. | Kistna. |
| Kepmaris .. | Kistna, Cuddapah, Chingleput, Salem, South Arcot, Trichinopoly and Madras City. |
| Jogulas .. | Kistna, Nellore, Chittoor, North Arcot, Chingleput, South Arcot and Madras City. |
| Jaruguballi Madigas .. | Guntur. |
| Chakkalas Pamula Buda- bulkalas. | Do. |
| Boyas .. | Nellore, Kurnool, Bellary and Chittoor. |
| Anneboynipalle Malas .. | Nellore. |
| Mutharachas .. | Nellore and Cuddapah. |
| Nirshikaris .. | Kurnool |
| Sugalis .. | Kurnool, Bellary, Anantapur, Cuddapah and Chittoor. |
| Malas .. | Kurnool, Anantapur, Cuddapah and Chittoor. |
| Kanjar Bhats .. | Kurnool, Anantapur and Cuddapah. |
| Thottia Naicks .. | Kurnool, Anantapur, Cuddapah, Chittoor, Salem, Ramnad, Tinnovelly, Coimbatore, South Arcot, Tanjore, Trichinopoly and South Kanara. |
| Hired Assassins .. | Kurnool and Cuddapah. |
| Mandi-vogulas .. | Kurnool. |
| Rudrapad Korachas .. | Bellary. |
| Picharis .. | Do. |
| Donga Ur. Korachis .. | Anantapur. |
| Jutur mixed gang .. | Anantapur and Cuddapah. |
| Pedda Boyas .. | Anantapur and North Arcot. |

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List of communities notified under the Criminal Tribes Act--cont.

| Name of tribe (1) | Districts in which found (2) |
|-----------------------------------|---|
| Dabbala Korachas | Anantapur. |
| Pithiguntlas | Anantapur and Cuddapah. |
| Devagudi Talayaris | Cuddapah. |
| Venganur Parayas | Chittoor, North Arcot and Chingleput. |
| Nattam Korachas | Chittoor and North Arcot. |
| Anagunti Poligars | Chittoor. |
| Bhattu Turkas | Do. |
| Uppu Koravars | North Arcot, Salem, Coimbatore and Madras City. |
| Salem Merburnad Koravars. | North Arcot, Salem, Madura, Coimbatore, South Arcot, Tanjore, Trichinopoly and Madras City. |
| Sakkaraitsamadu Koravars. | North Arcot and Madras City. |
| Irulars | North Arcot, Salem, South Arcot, Trichinopoly and Madras City. |
| Kal Oddars | North Arcot, Chingleput, Ramnad, Trichinopoly and Madras City. |
| Ponni Koravars | North Arcot and Madras City. |
| Chengampundi Koravars | North Arcot, South Arcot and Madras City. |
| Sengunam Poligars | North Arcot. |
| Nokkars | North Arcot, Chingleput and South Arcot. |
| Adi-Dravidas | Chingleput and Madras City. |
| Koravars | North Arcot, Chingleput, Tannevelly and Madras City. |
| Veppur Adi-Dravidas | Chingleput, South Arcot, Trichinopoly and Madras City. |
| Attur Kilnad Koravars | Salem, Coimbatore, South Arcot and Trichinopoly. |
| Thelli Koravars | Salem |
| Saragapalli Koravars | Do. |
| Monda Koravars | Do. |
| Sooramurai Oddais | Do. |
| Vaduvarpatti Koravars | Madura, Ramnad and Trichinopoly. |
| Piramalei Kallars | Madura, Ramnad and Madras City. |
| Valayars | Madura, Coimbatore and Trichinopoly. |
| Chettinad Valayars | Ramnad |
| Karumbaravas | Do. |
| Kaladies | Ramnad and Trichinopoly. |
| Pilliarnatham mixed gang. | Ramnad and Tannevelly. |
| Apponad Kondayan-kottai Maravars. | Ramnad. |
| Selliampatti Karutu-swami gang. | Ramnad and Coimbatore. |
| Maravars | Tinnevelly and Madras City. |
| Vellayankuppam Padayachis. | South Arcot. |
| Gandharvakottai Koravars. | South Arcot, Tanjore and Trichinopoly. |
| Criminal Padayachis | South Arcot. |
| Koottappal Kallars | Tanjore and Trichinopoly. |
| Jambwanoda mixed gang. | Tanjore. |
| Vettaikarsans | Do. |
| Gandarvakottai Kallars. | Do. |
| Uraligoundars | Trichinopoly. |
| Varaganeri Koravars | Do. |
| M/ otiakampatti Ambalagars. | Do. |
| Vettuva Goundans | Do. |
| Telugapatti Chettis | Do. |
| Periya Surivur Kallars | Do. |
| Kal Inji Dabbai Koravars. | Tanjore and Trichinopoly. |

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APPENDIX II.

[Vide answer to starred question No. 1299 asked by Sri K. V. R. Swami at the meeting of the Legislative Assembly held on the 10th May 1939, page 605 supra.]

(a) It is presumed the hon. Member refers to the Conference of Forest Officers on the better utilization of forest areas for grazing convened by the Government of India at Madras from 9th to 12th December 1936. The conclusions of the conference are:—

Forest grazing areas.—(1) That there is scope for further improvement in the quality and quantity of grazing produced by forest lands of the type which at present carry principally poor pole scrub or thorn forest and for the improvement of the amenities of grazing by the provision of better water-supplies.

(2) That such improvement can only be effected by the provision of scientific management by a competent staff.

(3) That power to control both periods of closure and numbers utilizing the grazing is absolutely essential to proper management and must be provided, if necessary, by legislation.

(4) That proper management must involve expenditure which will not be immediately remunerative, and from which even the ultimate returns will very probably be mostly indirect. The mode of provision of the necessary funds must be decided by Government. Such expenditure should not be imposed as a further burden upon the budgets of commercial or quasi-commercial departments.

Land outside forests.—(1) That there is great scope for introduction of proper management in lands which up to the present time have been outside the orbit of the activities of any of the technical departments.

(2) That the organization of such improvements should vest in special Standing Fodder and Grazing Committee to be formed in each province and that their activities should be co-ordinated by a new Fodder and Grazing Sub-Committee of the Imperial Council of Agricultural Research.

(b) & (c). The Government have accepted the recommendations. A special officer has been appointed to investigate the several questions connected with grazing such as restriction of the number of cattle admitted, introduction of the block system of grazing, etc. A special Provincial Fodder and Grazing Committee has also been set up to investigate the reclassification of waste lands outside Government forests and select areas fit for the production of fodder or for management as grazing grounds and to advise the Government as to the best agency for the management of lands selected for fodder and grazing purposes and to indicate the lines along which investigations are needed and improvements in management are required. The reports of the special officer and the committee are awaited.

APPENDIX

[10th May 1939]

APPENDIX III.

[Vide answer to starred question No. 1308 asked by Sri P. R. K. Sarma at the meeting of the Legislative Assembly held on the 10th May 1939, pages 609 and 610 supra.]

(1)

Value of stock on 1st April 1938.

| Variety. | Value. RS. |
|--|-------------------|
| 1 Paper, drawing | 6,684 |
| 2 Paper, writing | 42,344 |
| 3 Paper, printing, white | 33,628 |
| 4 Paper, printing, glazed buff | 93,738 |
| 5 Paper, newsprinting | 18,738 |
| 6 Paper, coloured | 6,468 |
| 7 Paper, lithographic | 4,034 |
| 8 Paper, watermarked | 401 |
| 9 Paper, blotting | 2,479 |
| 10 Paper, carbonic, papyrographic and other kinds | 14,822 |
| 11 Blank books, etc. | 1,078 |
| 12 Drawing materials | 1,330 |
| 13 Cloth, tracing | 2,652 |
| 14 Cloth, waxed | 46 |
| 15 Cloth, binding | 2,957 |
| 16 Hones and strops | 106 |
| 17 Ink bottles and stands | 487 |
| 18 Ink powder and fluid | 4,512 |
| 19 Ink, printing | 623 |
| 20 Parchment | 298 |
| 21 Paste, mill and straw boards | 1,349 |
| 22 Penknives | 192 |
| 23 Pencils | 1,813 |
| 24 Steel nibs | 1,896 |
| 25 Rubbers | 57 |
| 26 Slates | 108 |
| 27 Sponges | 400 |
| 28 Scissors | 243 |
| 29 Sealing wax | 293 |
| 30 Tape, twine thread, etc. | 5,186 |
| 31 Ribbons | 126 |
| 32 Rulers | 212 |
| 33 Paper cutters | 75 |
| 34 Needles and pins | 466 |
| 35 Envelopes | 1,017 |
| 36 Typewriter accessories | 1,529 |
| 37 Other articles | 11,353 |
| Total | 2,64,430 |
| | Stationery alone. |
| | 12,724 |
| | Clothing. |
| Total value of stock including clothing | 2,77,154 |

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(2)

STATEMENT.

1938-39.

| Serial number and description of articles. | Country of origin. | Quantity. | Amount. | |
|--|--|---|----------|-------|
| | | | Rs. | A. P. |
| 1 Red sealing wax (of superior variety). | Forest Research Officer, Denkanekotta, Salem district. | 400 lb. | 800 | 0 0 |
| 2 Azure laid paper .. | Titaghur Paper Mills, Calcutta. | 42,470 .. | 10,511 | 0 0 |
| 3 Cream wove paper .. | Do. | 33,000 .. | 7,657 | 0 0 |
| 4 Cream laid paper .. | Do. | 1,000 .. | 282 | 0 0 |
| 5 White printing paper .. | Do. | 1,704,700 .. | 3,51,565 | 0 0 |
| 6 Glazed buff paper .. | Do. | 1,304,284 .. | 2,28,657 | 0 0 |
| 7 Blotting paper .. | Bengal Paper Mills, Calcutta. | 18,940 .. | 3,738 | 0 0 |
| 8 Duplicating paper .. | The India Paper Pulp Co., Calcutta. | 6,175 .. | 1,400 | 0 6 |
| 9 Blackboard brushes .. | Superintendent of Prisons, Madras. | 8,000 Nos. | 750 | 0 0 |
| 10 Brass pins, 1" and 2" | Bombay | 125 gross sheets 1". 87 gross sheets 2". | 3,032 | 0 0 |
| 11 Penholders | F. N. Gooptu & Co., Calcutta. | | | |
| 12 White and red braid .. | Calcutta | 13,000 yds. | 396 | 0 0 |
| 13 Cotton, white twine .. | Do. | 150 lb. | 106 | 0 0 |
| 14 Chalk, coloured .. | Trichinopoly | 3,750 boxes of 1 gross each. | 1,125 | 0 0 |
| 15 Chalk, white, prepared .. | Do. | 4,500 boxes. | 810 | 0 0 |
| 16 Black lead pencils .. | Madras | 800 gross. | 2,000 | 0 0 |
| 17 Copying pencils, ordinary .. | Do. | 150 .. | 888 | 0 0 |
| 18 Do. hard .. | Do. | 25 .. | 225 | 0 0 |
| 19 Blue and red pencils, ordinary. | Calcutta | 30 .. | 165 | 0 0 |
| 20 Waterproof umbrella .. | Do. | 82 .. | 48 | 0 0 |
| 21 Waterproof cape .. | Do. | 25 Nos. | 117 | 15 6 |
| 22 Socks of sizes | Dhariwal | 60 pairs. | 45 | 0 0 |
| 23 Red ink pens | Calcutta | 3,000 gross. | 1,500 | 0 0 |
| 24 Hard brushes for typewriter .. | Do. | 480 Nos. | 68 | 12 0 |
| 25 Boneo inking brushes .. | Do. | 36 .. | 9 | 0 0 |
| 26 Soft brushes for typewriter .. | Madras | 600 .. | 131 | 4 0 |
| 27 Rubber stamp brushes .. | Bombay | 3,000 .. | 31 | 4 0 |
| 28 White sari | Tata Mills, Bombay | 1,150 .. | 2,731 | 4 0 |
| 29 Red country sari | Conjeeveram | 825 .. | 870 | 0 0 |
| 30 White laced turbans .. | Madura | 10 .. | 100 | 0 0 |
| 31 Red laced turbans .. | Do. | 10 .. | 110 | 0 0 |
| 32 Gold fringes | Madras | 10 yards. | 60 | 0 0 |
| 33 Brass buttons with rings and letter 'G.H.' and Crown. | Aligarh | No. 600. | 34 | 6 0 |
| 34 Penknives, desk, country .. | Do. | 180 dozens. | 202 | 8 0 |
| 35 Scissors, large, country .. | Do. | 12 .. | 75 | 0 0 |
| 36 Do. small | Do. | 3 .. | 12 | 0 0 |
| 37 Mufl white, 45" | Ahmedabad | 2,000 yards. | 500 | 0 0 |
| 38 Do. | Bangalore | 5,000 .. | 1,289 | 6 0 |
| 39 Red serge, 54" | Cavnpore | 50 .. | 125 | 0 0 |
| 40 Salampore cloth, white .. | Ootacamund | 2,500 .. | 664 | 1 0 |
| 41 Do. blue | Do. | 8,500 .. | 3,000 | 11 0 |
| 42 Unbleached drill | Do. | 15,000 .. | 4,921 | 14 0 |
| 43 Khaki drill | Do. | 6,000 .. | 2,531 | 4 0 |
| 44 Bleached drill | Do. | 200 .. | 71 | 4 0 |
| 45 Imitation Gingham cloth .. | Do. | 2,000 .. | 468 | 12 0 |
| 46 Khaki mufl | Do. | 1,700 .. | 557 | 18 0 |
| 47 Blue drill | Do. | 250 .. | 105 | 7 0 |
| 48 Wax cloth, white | Madras | 4,100 .. | 1,153 | 0 0 |
| 49 Red turkey cloth | Colombatore | 2,750 .. | 1,074 | 0 0 |
| 50 Red sealing wax, country .. | Madras | 18,000 lb. | 1,828 | 2 0 |
| 51 Stencil paper (Japan) for duplicators. | Japan | 245 reams. | 8,310 | 0 0 |
| 52 Thanne paper 7 lb. | Austria (foreign) | 4 .. | 12 | 0 0 |
| 53 Cream wove, tub sized | Do. | 828 .. | 10,802 | 14 0 |
| 54 Do. 50 lb. | | | | |

APPENDIX

[10th May 1939]

| Serial number and description of articles | Country of origin | Quantity | Amount |
|---|--------------------------|---------------------------|---------------|
| | | | R. A. P. |
| 54 Newsprinting paper | Austria (foreign) | 152,000 lb. | 13,578 4 0 |
| 55 Glazed buff paper | Do. | 1,304,316 " | 2,30,972 10 0 |
| 56 M.G. buff manilla 60 lb. | Do. | 2,160 " | 118 7 0 |
| 57 Coloured paper | Do. | 56,850 " | 7,402 5 0 |
| 58 Litho D.R. 80 lb. | Germany | 32,000 " | 23,166 10 8 |
| 59 Creamwove Bulk D.R. 56 lb. | America | 2,210 " | 1,330 0 0 |
| 60 Bank Port D.R. 19 lb. | Do. | 522 " | 326 4 0 |
| 61 White cartridge all rag, Royal | Austria | 720 " | 547 8 0 |
| 62 H.M. Pale buff, 32 lb | A. style | 960 " | 1,200 0 0 |
| 63 Manifolding paper | Do | 11,250 " | 3,076 2 9 |
| 64 Strawboard, (thicker weight) | Holland | 1,805 Cwts. | 13,763 2 0 |
| 65 Calico 42" | Japan | 17,000 yards. | 7,137 8 0 |
| 66 Gum bottles with brushes | Bangalore | 75 do | 18 12 0 |
| 67 Yellow woollen tape 3" | Calcutta | 1,000 yards | 54 11 0 |
| 68 Ink glasses with tops | Japan | 1,700 dozen | 850 0 0 |
| 69 Thabacalack thread | India | 130 lb | 71 4 0 |
| 70 Tape, nailow rolls | Do | 2,000 dozens. | 7,875 0 0 |
| 71 Tape, country 1" | Do | 100 rolls | 80 15 0 |
| 72 Twisted thread, white | Do | 7,200 lb. | 4,050 0 0 |
| 73 Khaki puttees | Salem | 600 pairs | 509 0 0 |
| 74 Stencil paper with fibrous | England (foreign) | 13 reams | 325 0 0 |
| paper attached | | 2 " | 157 4 0 |
| 75 One ounce empty phials | Japan | 10 gross | 18 12 0 |
| 76 Sponges | Germany | | |
| 77 Madapallam, T. 22 | England | 1,300 yds. | 525 0 0 |
| 78 Yellow muslin | Bangalore | 307 vds. | 91 0 0 |
| 79 Gun, common | Guntur-Nellore districts | 21,000 lb. | 5,006 0 0 |
| 80 Gold lace 3" | France | 100 yds. | 112 8 0 |
| 81 Long cloth, fine | India | 3,500 yds. | 1,531 4 0 |
| 82 Scarlet ink powder | Foreign | 10,000 pkts. | 994 0 0 |
| 83 Thumb impression boxes | England | 400 boxes | 86 11 8 |
| 84 Rubber stamping ink | Bangalore | 12,600 phials | 787 8 0 |
| 85 Red ink in bottles of 40 ozs | Madras | 350 bottles | 204 2 8 |
| 86 Blue black registration ink | Madras and Bangalore | 3,600 " | 1,171 11 6 |
| 87 Cheque writing ink | Madras | 510 " | 263 0 4 |
| 88 Blue black ink powder | Do. | 4,500 doz. pkts. | 1,351 9 0 |
| 89 Printing ink in 10 lb. tins | Bombay | 6,000 lb. | 1,968 12 0 |
| 90 Do. 2 lb. tins | Madras | 500 lb. | 177 1 4 |
| 91 Thumb impression roller | Nizamabad (India) | 400 " | 175 0 0 |
| 92 Tracing cloth 36" | England | 110 rolls at 24 yds. each | 3,209 1 0 |
| 93 Do 24" | Do. | 62 rolls at 24 yds. each | 1,147 10 4 |
| 94 Wooden flats with lead | Madras | 650 " | 112 4 0 |
| 95 Rulers, round large | Do. | 200 " | 68 12 0 |
| 96 Ink tands wooden boxes | Do. | 400 " | 308 5 4 |
| 97 Tags, long, for files | Do. | 350 " | 4 9 6 |
| 98 Record index laces | Do. | 5,000 " | 30 0 0 |
| 99 Tape tags 3 1/2" | Do. | 500,000 " | 637 8 0 |
| 100 Do 5" | Do. | 600,000 " | 1,050 0 0 |
| 101 Camel hair brushes 1 1/2" | England | 90 " | 90 10 3 |
| 102 Do. 3" | Do. | 2 doz. | 26 0 0 |
| 103 Wool of colours | Cawnpore | 30 lb. | 101 4 0 |
| 104 Grey cumbles | Rajahmundry | 300 " | 1,143 12 0 |
| 105 Strawboards, thin weight | Holland | 1,100 cwts. | 7,425 0 0 |
| 106 Plate glue, Europe | England | 42 " | 460 0 0 |
| 107 Aluminium buttons | Do. | 600 " | 65 10 0 |
| 108 Brass buttons, plain with rings. | Do. | 100 " | 12 8 0 |
| 109 Kraft, brown | Austria | 278,168 lb. | 39,481 5 0 |
| 110 Dry type stencil paper for Gestetner. | Japan | 70 reams | 2,660 0 0 |
| 111 Dry type stencil paper for Roneo. | Do. | 50 " | 1,900 0 0 |
| 112 Stencil paper for R.R.R. | Do. | 125 " | 4,750 0 0 |
| 113 Twine, country | Vizagapatam | 22,000 lb. | 4,812 8 0 |
| 114 Lancashire ledger paper | London | 51,800 " | 30,726 18 2 |
| 115 Carbon papers | Calcutta | 1,270 reams. | 5,838 8 0 |
| 116 Envelopes | London | 14,500 " | 98 4 0 |
| 117 Note paper | Do. | 8,000 " | 403 5 2 |
| 118 Litho D.R. 80 lb. II | Do. | 100 reams. | 297 8 0 |
| 119 Ordinary white cartridge | Do. | 18 " | 245 0 0 |
| 120 Cheque paper | Do. | 35 " | 729 2 8 |
| 121 Stencil paper for cyclostyle | Germany | 31,480 lb. | 6,558 5 0 |
| | | 60 reams. | 1,260 0 0 |
| | | 305 " | 1,653 12 0 |

ty 1939]

APPENDIX IV.

Answer to unstarred question No. 395 asked by Sri A. Vedam Pillai at the meeting of the Legislative Assembly on 10th May 1939, page 615 supra.]

under section 65-A (1) (a) of Madras Act II of 1927.

matter of Sri Subrahmanyaswami temple, Ettigudi, Negapatam taluk, Tanjore district.

re Notification No. 19 of 1939, dated 9th March 1939.

reas for the reasons set forth below, the Board is of that the temple of Sri Subrahmanyaswami, Ettigudi, Negapatam taluk, Tanjore district, and the endowments thereto may be notified to be subject to the provisions for VI-A of Madras Act II of 1927, the trustees and other having interest in the said temple are hereby required cause in writing on or before 2nd May 1939 why such ion should not be issued. The objection or objections, if eived in response to this notice will be enquired into by rd at its office in Madras at 12 noon on 9th May 1939. Actor shall submit two additional copies of the objection.

Reasons for the action proposed.

he defects pointed out in notice Notification No. 44 of dated 6th July 1937, have not been rectified though one time was given by the Board in Board's Order No. 74, 18th January 1938, to set them right. Clauses 12 and 14 scheme framed in A.S. Nos. 121 and 122 of 1919 on the the High Court, Madras, for Sri Vetharanyaswami Vedaranyam, Tiruturaipundi taluk, Tanjore district, re-applicable to this temple also and clause 20 of the for this temple in A.S. Nos. 222 and 241 of 1920 ile of the High Court, Madras, are inconsistent with the s of the Madras Hindu Religious Endowment Act, 1926.

no co-operation between the managing trustee and the ioner. The Mahanamdar has not taken any steps for of election rules. Budget for fasli 1348 has not been d in time. Clause 20 of the scheme relating to the ent of auditor has not been observed. Register of pro- is required by clause 21 of the scheme has not been sub- Temple buildings are in disrepair. Owing to the dis- nong the managing trustee, the Commissioner and the adar, even minor repairs to temple buildings are not to. Action has not been taken for the realization of a n of Rs. 26,000 due from Sri Kailasa Thevar.

K. NARAYANA MENON,
Acting Secretary

[10th May 1939]

APPENDIX V.

[Vide answer to unstarred question No. 399 asked by Sri K. V. R. Swami at the meeting of the Legislative Assembly held on 10th May 1939, page 616 supra.]

Statement showing the list of commodities in respect of which accounts relating to inland trade by rail are maintained.

| | |
|--|---|
| 1 Animals—Livestock— | 16 Jute, raw— |
| (i) Cattle (excluding sheep and goats). | (i) Looses. |
| (ii) Horses, ponies and mules. | (ii) Pucca bales. |
| (iii) Sheep and goats. | 17 Gunny bags and cloth. |
| (iv) Others. | 18 Iron and steel bars, sheets, girders and other commercial forms of iron and steel. |
| 2 Bones. | 19 Lac and shellac. |
| 3 Cement. | 20 Manganese ore. |
| 4 Coal and coke. | 21 Oilcakes. |
| 5 Coffees. | 22 Oils— |
| 6 Cotton twist and yarn— | (i) Kerosene. |
| (i) Foreign. | (ii) Vegetable oils. |
| (ii) Indian. | 23 Oilseeds— |
| 7 Cotton piecegoods— | (i) Castor. |
| (i) Foreign in bales. | (ii) Cotton. |
| (ii) Foreign in boxes. | (iii) Groundnuts. |
| (iii) Indian in bales. | (iv) Linseed. |
| (iv) Indian in boxes. | (v) Rape and mustard. |
| 8 Dyes and tans— | (vi) Til or jinjili. |
| Myrobilians. | 24 Ghee. |
| 9 Fruits, dried. | 25 Salt. |
| 10 Glass. | 26 Sugar— |
| 11 Grain, pulse and flour— | (i) Sugar. |
| (i) Gram. | (ii) Gur, rab, molasses, jaggery, etc. |
| (ii) Jowar and Bajra. | 27 Tea. |
| (iii) Rice in the husk. | 28 Tobacco, raw. |
| (iv) Rice not in the husk. | 29 Wood and timber— |
| (v) Wheat. | (i) Teak. |
| (vi) Wheat flour. | (ii) Other timber. |
| (vii) Other sorts. | 30 Wool, raw. |
| 12 Hemp, Indian and other fibres (excluding jute). | 31 Raw cotton. |
| 13 Hides, raw. | |
| 14 Skins, raw. | |
| 15 Hides and skins, tanned and leather. | |



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